H.R. 4419, "BUREAU OF RECLAMATION AND BUREAU OF INDIAN AFFAIRS WATER PROJECT STREAMLINING ACT"

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, POWER AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

Thursday, November 30, 2017

Serial No. 115–30

Printed for the use of the Committee on Natural Resources

Available via the World Wide Web: http://www.govinfo.gov
or
Committee address: http://naturalresources.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

27–723 PDF WASHINGTON : 2018

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON NATURAL RESOURCES

ROB BISHOP, UT, *Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Democratic Member*

Don Young, AK
Chairman Emeritus
Louie Gohmert, TX
Vice Chairman
Doug Lamborn, CO
Robert J. Wittman, VA
Tom McClintock, CA
Stevan Pearce, NM
Glenn Thompson, PA
Paul A. Gosar, AZ
Raúl R. Labrador, ID
Scott R. Tipton, CO
Doug LaMalfa, CA
Jeff Denham, CA
Paul Cook, CA
Bruce Westerman, AR
Garret Graves, LA
Jody B. Hice, GA
Aumua Amata Coleman Radewagen, AS
Darin LaHood, IL
Daniel Webster, FL
Jack Bergman, MI
Liz Cheney, WY
Mike Johnson, LA
Jenniffer González-Colón, PR
Greg Gianforte, MT

Grace F. Napolitano, CA
Madeleine Z. Bordallo, GU
Jim Costa, CA
Gregorio Kilili Camacho Sablan, CNMI
Niki Tsongas, MA
Jared Huffman, CA
Vice Ranking Member
Alan S. Lowenthal, CA
Donald S. Beyer, Jr., VA
Norma J. Torres, CA
Ruben Gallego, AZ
Colleen Hanabusa, HI
Nanette Diaz Barragán, CA
Darren Soto, FL
A. Donald McEachin, VA
Anthony G. Brown, MD
Wm. Lacy Clay, MO
Jimmy Gomez, CA

Cody Stewart, *Chief of Staff*
Lisa Pittman, *Chief Counsel*
David Watkins, *Democratic Staff Director*

SUBCOMMITTEE ON WATER, POWER AND OCEANS

DOUG LAMBORN, CO, *Chairman*
JARED HUFFMAN, CA, *Ranking Democratic Member*

Robert J. Wittman, VA
Tom McClintock, CA
Paul A. Gosar, AZ
Doug LaMalfa, CA
Jeff Denham, CA
Garret Graves, LA
Jody B. Hice, GA
Daniel Webster, FL
Vice Chairman
Mike Johnson, LA
Greg Gianforte, MT
Rob Bishop, UT, *ex officio*

Grace F. Napolitano, CA
Jim Costa, CA
Donald S. Beyer, Jr., VA
Nanette Diaz Barragán, CA
Madeleine Z. Bordallo, GU
Gregorio Kilili Camacho Sablan, CNMI
Jimmy Gomez, CA
Raúl M. Grijalva, AZ, *ex officio*

CONTENTS

LEGISLATIVE HEARING ON H.R. 4419, TO FACILITATE AND STREAMLINE THE BUREAU OF RECLAMATION AND BUREAU OF INDIAN AFFAIRS PROCESSES FOR CREATING OR EXPANDING CERTAIN WATER PROJECTS, AND FOR OTHER PURPOSES, "BUREAU OF RECLAMATION AND BUREAU OF INDIAN AFFAIRS WATER PROJECT STREAMLINING ACT"

Thursday, November 30, 2017

U.S. House of Representatives

Subcommittee on Water, Power and Oceans

Committee on Natural Resources

Washington, DC

The Subcommittee met, pursuant to notice, at 2:28 p.m., in room 1324, Longworth House Office Building, Hon. Doug Lamborn [Chairman of the Subcommittee] presiding.

Present: Representatives Lamborn, McClintock, LaMalfa, Hice, Gianforte; Huffman, Beyer, and Sablan.

Also present: Representatives Tipton and Newhouse.

Mr. LAMBORN. The Subcommittee on Water, Power and Oceans will come to order. The Water, Power and Oceans Subcommittee meets today to hear testimony on H.R. 4419, sponsored by Representative Dan Newhouse of Washington State.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman, Ranking Minority Member, and the Vice Chair. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

Hearing no objection, so ordered.

I would also ask unanimous consent that the gentleman from Colorado, Mr. Tipton, be allowed to join the Subcommittee at the dais and participate in the remainder of the hearing.

Without objection, so ordered.

And I would ask unanimous consent that the gentleman from Washington, Mr. Newhouse, be allowed to join the Subcommittee at the dais and participate in the remainder of the hearing.

Without objection, so ordered.

We will begin with opening statements, and I will start with myself for 5 minutes.

STATEMENT OF THE HON. DOUG LAMBORN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. LAMBORN. Today, we will consider H.R. 4419, the Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act, sponsored by our colleague from Washington State, Dan Newhouse. This bill further advances this Subcommittee's agenda of an "all-of-the-above" water supply strategy.

Since its inception more than 100 years ago, the Bureau of Reclamation has built more than 600 dams and reservoirs. These facilities have allowed the arid West to flourish, because a prior generation had the vision and willpower to store water when it is available and deliver it during dry times. These multi-purpose facilities provide Coloradoans and the West with numerous benefits, including recreation, flood control, hydropower, and a reliable water supply.

In addition, these facilities provide cold water for ESA-listed fish species, as well as other environmental benefits. Similarly, BIA Indian irrigation projects are comprised of the water infrastructure needed to ensure that tribes have access to reliable water supplies for both human consumption and irrigation.

For generations, water users and tribes throughout the West have depended on these projects, and they will continue to do so for many decades to come. The problem, however, lies in the fact that many of these facilities are aging, and it is getting increasingly more difficult to build new projects. With few exceptions, Reclamation has not built any new large, multi-purpose dams and reservoirs over the last generation. Coupled with rapid population growth and the region's susceptibility to droughts and water shortages, as our friends in California know very well, our current infrastructure is inadequate to meet a growing demand for a finite supply of water.

For years, this Subcommittee has heard from witnesses how regulatory hurdles in the form of never-ending feasibility studies and environmental reviews have stifled the development of new water projects like the Sites Reservoir in California, which at one point had 52 potential reservoir locations being considered.

This bill by Representative Newhouse represents a commonsense approach to reform and streamline the feasibility study process for future water projects to tackle the seemingly endless "paralysis-by-analysis" status quo. This bill requires the Bureau of Reclamation and the Bureau of Indian Affairs to become more transparent and accountable in how they evaluate future water projects.

This bill aims to not only promote the development of new surface storage, but also paves the way for rural water, Title XVI, Indian irrigation, and other Federal water projects, so they can get built in a predictable and timely manner.

Furthermore, it creates a new process that will allow these agencies to identify and transmit potential projects to Congress to review and authorize. It is based on the precedent included in the Water Resources Reform and Development Act, which gave the Army Corps of Engineers this process, and which passed the House in 2014 with a vote of 412 to 4.

We must give Reclamation and the BIA similar tools to get projects built, and that is exactly what this bill does.

Before I conclude, I want to make it crystal clear that nothing in this bill undercuts public input, NEPA, or any other environmental requirements. To the contrary, it allows the environmental benefits associated with these projects to be developed and put into action more expeditiously. It simply requires Federal agencies to work together to adhere to reasonable timelines with ample opportunities for extensions, so long as they can justify why it is needed.

This bill provides water users in my state and throughout the West with the certainty needed to pursue and invest in these projects by breaking down the barriers that have stifled new water project development in America.

We need to get serious about our water future, and this bill is a step in the right direction. Let's ensure that future generations have access to the same benefits and resources that past generations gave to us.

I want to thank our witnesses for being here today, and I look forward to hearing from each one of you.

[The prepared statement of Mr. Lamborn follows:]

PREPARED STATEMENT OF THE HON. DOUG LAMBORN, CHAIRMAN, SUBCOMMITTEE ON WATER, POWER AND OCEANS

Today, we will consider H.R. 4419, the "Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act" sponsored by our colleague from Washington State, Dan Newhouse. This bill further advances this Subcommittee's agenda of an "all-of-the-above" water supply strategy.

Since its inception more than 100 years ago, the Bureau of Reclamation has built more than 600 dams and reservoirs. These facilities have allowed the arid West to flourish, because a prior generation had the vision and willpower to store water when it is available and deliver it during dry times. These multi-purpose facilities provide Coloradoans and the West with numerous benefits including recreation, flood control, hydropower, and a reliable water supply. In addition, these facilities provide cold water for ESA-listed fish species and other environmental benefits. Similarly, BIA Indian irrigation projects are comprised of the water infrastructure needed to ensure that tribes have access to reliable water supplies for both human consumption and irrigation.

For generations, water users and tribes throughout the West have depended on these projects, and they will continue to do so for decades to come. The problem, however, lies in the fact that many of these facilities are aging and it is getting increasingly more difficult to build new projects. With few exceptions, Reclamation has not built any new large, multi-purpose dams and reservoirs over the last generation. Coupled with rapid population growth and the region's susceptibility to droughts and water shortages, our current infrastructure is inadequate to meet a growing demand for a finite supply of water.

For years, this Subcommittee has heard from witnesses how regulatory hurdles in the form of never-ending feasibility studies and environmental reviews has stifled the development of new water projects like the Sites Reservoir in California which—at one point—had 52 potential Reservoir locations being considered.

Mr. Newhouse's bill, H.R. 4419, represents a common-sense approach to reform and streamline the feasibility study process for future water projects in order to tackle the seemingly endless "paralysis-by-analysis" status quo. This bill requires the Bureau of Reclamation and Bureau of Indian Affairs to become more transparent and accountable in how they evaluate future water projects.

This bill aims to not only promote the development of new surface storage, but also pave the way for rural water, Title XVI, Indian irrigation and other Federal water projects to get built in a predictable and timely manner. Furthermore, it creates a new process that will allow these agencies to identify and transmit potential projects to Congress to review and authorize. It is based on the precedent included in the Water Resources Reform and Development Act, which gave the Army Corps of Engineers this process, and passed the House with a vote of 412 to 4 in 2014.

We must give Reclamation and the BIA similar tools to get projects built, and that is exactly what this bill does.

Before I conclude, I want to make it crystal clear that nothing in this bill undercuts public input, the National Environmental Policy Act, or any other environmental requirements. To the contrary, it actually allows the environmental benefits associated with these projects to be developed and put into action more expeditiously. It simply requires Federal agencies to work together, adhere to reasonable timelines with ample opportunities for extensions as long as they can justify why it is needed.

This bill provides water users with the certainty needed to pursue and invest in these projects by breaking down the barriers that have stifled new water project development in America. We need to get serious about our water future, and this bill is a step in the right direction. Let's ensure that future generations have access to the same benefits and resources that past generations gave to us.

I thank our witnesses for being here today, and I look forward to hearing from each of you.

Mr. LAMBORN. I would now like to recognize the Ranking Member, Mr. Huffman, for 5 minutes for his statement.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman. We are back today with a familiar debate about a bill that threatens our Nation's fishing industry and attempts to undermine our Nation's bedrock environmental laws.

Folks watching the debate today can be forgiven if they have a sense of déjà vu, because in 2014, we debated the previous version of this bill, H.R. 5412, at length. The bill was resoundingly opposed by Democratic members of this Committee and by the Obama administration.

The very next year we saw this bill on the House Floor as part of H.R. 2898, once again jammed through the House over the strong objection of House Democrats and the Obama administration.

Most recently, we debated provisions of this bill on the House Floor in July during Floor debate on H.R. 23, which includes a version of this bill. That bill, once again, was resoundingly opposed by Democrats and even some Republicans.

Yet, House Republican leadership stubbornly continues to push this bill. Some things, I guess, never change. Another thing that is not changing is the reality that this bill is dead on arrival in the Senate, and will not become law. This is true, despite the fact that House Republican leadership is now proposing to combine it with a provision to authorize the latest phase of the Yakima Basin Water Enhancement Project, which some Democratic Members have been working to advance in some form.

This political stunt is obviously doomed to fail. It is like a reverse poison pill, adding a spoonful of sugar in the hopes that we will ignore the toxic effects of the rest of the bill. The only thing that this will accomplish is to waste everyone's time.

I hope we can move past these political games soon, so that people watching today will not have to watch over and over again.

Moving on, I do want to address the claim from supporters of this bill that environmental laws like NEPA block new dam construction somehow. This claim is false. But you don't have to take

my word for it. Recently, President Trump was fact checked on the claim that projects like Hoover Dam were built in 5 years because they did not have to go through years of permitting and regulations that current infrastructure projects require.

The Washington Post, which fact checks President Trump quite a lot, fact checked that claim and gave it three Pinocchios, which stands for significant factual error and/or obvious contradictions. They noted that, according to the U.S. Government Accountability Office, 95 percent of public infrastructure projects are excluded from environmental reviews under current law. They further pointed out that it took 35 years of planning, permitting, negotiating, and preparation to build Hoover Dam. And, as has been pointed out by many over the years, there is a reality that complicated projects just simply take time to plan and finance.

Also, in 2012, the Congressional Research Service took a look at this issue, found that the most likely causes of delay for major infrastructure projects are lack of funding and local and state permitting issues, not environmental laws, certainly not Federal environmental laws.

Despite these facts, my Republican colleagues continue to peddle the fiction that we need to gut our Nation's environmental laws to build new dams and other infrastructure. I really hope we can move on from this phony debate and get to work on real problems.

One real problem we could address together is the poor health of our Nation's fisheries. Most of our Nation's iconic fisheries, many at least, are on the brink of extinction, causing untold harm to thousands of Americans whose livelihoods depend on healthy fish runs, including many of the communities I represent.

Another problem Republicans and Democrats should work on together is ending the push to slash the budgets of agencies who are charged with doing environmental reviews. These budget cuts just make it harder for Federal agencies to expedite projects, especially in the small percentage of projects that require a full environmental impact statement under NEPA.

Last, before closing, I want to highlight that H.R. 4419 actually includes a new and troubling deauthorization provision. It directs Interior to deauthorize hundreds of millions of dollars' worth of Reclamation projects. The catch is that this provision exempts large dam projects from deauthorization. This means that a boondoggle project like Auburn Dam, which will never be built, will not be deauthorized. Instead, water recycling projects that water managers around the West actually would like to build will be deauthorized.

Keeping the myth alive that terribly conceived projects like Auburn can somehow be built if we just clear away the environmental reviews and other obstacles so that you can score political points is a bad idea, and it keeps us from talking about real solutions that we could be working on together.

With that, I yield back, Mr. Chairman.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF THE HON. JARED HUFFMAN, RANKING MEMBER, SUBCOMMITTEE ON WATER, POWER AND OCEANS

Thank you, Mr. Chairman. Today, we're back to debate a familiar bill that threatens our Nation's fishing industry and attempts to undermine our Nation's bedrock environmental laws. Folks watching today's hearing can be forgiven if they get déjà vu.

In 2014, we debated the previous version of this bill, H.R. 5412, at length. That bill was resoundingly opposed by the Democratic members of this Committee and the Obama administration.

The next year, we saw this bill on the House Floor as part of H.R. 2898, which once again, was jammed through the House over the strong objections of House Democrats and the Obama administration.

Most recently, we debated provisions of this bill on the House Floor in July during Floor debate on H.R. 23, which includes a version of this bill. That bill, once again, was resoundingly opposed by Democrats and some Republicans.

Yet, House Republican leadership continues to push this bill. Some things never change, I guess. Another thing that isn't changing, is the reality that this bill is dead on arrival in the Senate and will never become law.

This is true despite the fact that House Republican leadership is now proposing to combine this bill with a provision to authorize the latest phase of the Yakima Basin Water Enhancement Project, which some Democratic Members have been working to advance in some form. This cheap political stunt is obviously doomed to fail. It's like a reverse "poison pill": adding a spoonful of sugar in the hopes that we will ignore the toxic effects of the rest of the bill. The only thing it will accomplish is wasting everyone's time. I hope we can move past these petty political games soon, which people watching today are rightfully sick of.

Moving on, I do want to address the claim from supporters of this bill that environmental laws like the National Environmental Policy Act block new dam construction. This claim, simply put, is false. But you don't have to take my word for it.

Recently, President Trump was fact checked when he claimed that projects like the Hoover Dam were "built in 5 years" because they didn't have to go through the years of permitting and regulations that current infrastructure projects require. When independent fact checkers at *The Washington Post* evaluated this claim, they awarded the President's claim three Pinocchios, which is the rating for statements that include "significant factual error and/or obvious contradictions."

The fact checkers noted that, according to the U.S. Government Accountability Office, 95 percent of public infrastructure projects are excluded from environmental reviews under current law. They further pointed out that it took 35 years of planning, permitting, negotiation and preparation to ensure that the Hoover Dam was financially feasible and had public support. This project took many years despite the absence of modern environmental laws because big, complicated projects take time to plan and finance.

Also, a 2012 Congressional Research Service report found the most likely causes of delay for major infrastructure projects are lack of funding and local and state permitting issues, not environmental laws.

Despite these facts, my Republican colleagues continue to peddle the fiction that we need to gut our Nation's environmental laws to build new dams and other infrastructure. I hope we can move on from this phony debate and get to work addressing the real problems on the ground.

One real problem we could address together is the poor health of our Nation's fisheries. Many of our Nation's iconic fisheries are on the brink of extinction, causing untold harm to thousands of Americans across our country whose livelihoods depend on healthy fish runs. In my own district, some members of the Yurok Tribe have even been driven to the brink of suicide, partly because of the demise of salmon populations that have formed the backbone of their tradition and economy for generations. This is truly heartbreaking.

Another problem Republicans and Democrats should work on is ending the push to slash the budgets of agencies in charge of environmental reviews. These budget cuts only make it harder for Federal agencies to expedite project reviews, especially in the small percentage of projects that appropriately require a full Environmental Impact Statement under NEPA.

Before closing, I want to highlight that H.R. 4419 includes a new deauthorization provision that directs Interior to deauthorize hundreds of millions of dollars' worth of Reclamation projects. The catch is that this provision exempts large dam projects from deauthorization. This means that the boondoggle Auburn Dam, which will

never be built, will not be deauthorized. Instead, water recycling projects that water managers actually want will. Keeping the myth alive that terribly conceived projects like Auburn can someday be built may score political points in some quarters, but the fact is that projects like Auburn don't pencil out now and never will.

In closing, I share the frustration of many watching today's hearing. I too am sick of the political games and endless debates about the same poison pill bill that has been rejected time and time again. I urge my colleagues across the aisle to move on from this so that we can work together on real solutions that actually have a chance of becoming law.

Thank you, I yield back.

Mr. LAMBORN. All right. We now move to our first witness panel to hear testimony from Mr. Newhouse on the bill.

As a reminder, you are limited to 5 minutes, but your written statement will appear in full in the hearing record.

Mr. Newhouse, you are now recognized for 5 minutes.

STATEMENT OF THE HON. DAN NEWHOUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. NEWHOUSE. Thank you, Chairman Lamborn and Ranking Member Huffman, as well as members of the Subcommittee, for inviting me to testify before you today on H.R. 4419, the Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act.

This legislation exhibits years of hard work, determination, and certainly collaboration. I would like to begin by extending my sincere thanks to Chairman Bishop, his staff, as well as Speaker Ryan and his staff, for working with me to help move this legislation forward.

I would also like to thank my colleague, Congressman Reichert, for his continued partnership on these efforts. This legislation is not only critical for our respective districts in Washington State, but also for districts across the Nation, particularly those in the West.

Water is vital for the livelihoods and the prosperity of our communities in the western United States. These communities, including my constituents in central Washington, know all too well the detrimental impacts of facing severe droughts and water shortages. In states where the Bureau of Reclamation (BOR) and the Bureau of Indian Affairs (BIA) hold jurisdiction for the development of water projects, communities are left waiting, due to the lack of a streamlined process.

H.R. 4419 would apply the same streamlined water project development process used by the U.S. Army Corps of Engineers that was established under the Water Resources Reform Development Act of 2014, or WRRDA, to BOR's and BIA's processes for surface water, storage, infrastructure, and recycling project developments.

The WRRDA legislation passed through both chambers of Congress with overwhelming bipartisan support. My hope is, with this legislation, to achieve the same streamlined process for BOR and BIA that was developed for the Corps.

This legislation also authorizes several key water development projects across the West, including projects in California, Kansas, Montana, and in my home state of Washington. One of these is the

third phase of a vital effort in central Washington, the Yakima River Basin Water Enhancement Project (YRBWEP).

The Yakima River Basin, as you well know, is one of the leading agricultural regions in Washington State, as well as throughout the country. However, the demand for water in the region currently exceeds the resources available, especially during times of drought, which have hit the state especially hard in these past few years.

Through years of tough and complex but continued negotiations, the Yakima River Basin Plan is a model of collaboration that offers a solution to give water users more certainty, while also recognizing the concerns of conservationists and the various stakeholders in the Yakima Basin.

I would be remiss if I did not acknowledge the collaborative group of stakeholders at the core of this vital effort. The YRBWEP Workgroup and its Implementation Committee are made up of local irrigation districts, environmental advocates, local elected officials, tribal leaders, state agency officials, conservation organizations, and water storage advocates. The fact that this diverse of a group can agree on much, let alone negotiate and collaborate on years of integrated water project development efforts is nothing short of ground-breaking.

I look forward to hearing the testimony from one of the Implementation Committee's own, Mr. Urban Eberhart, and I thank the Subcommittee for providing the opportunity for the Workgroup to share their model of success with the Nation. It is something that I can tell you I am very, very proud of.

Mr. Chairman, H.R. 4419, the Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act, is a common-sense bill that reforms the current cumbersome and lengthy processes for water development efforts, and provides a mechanism to build new water and infrastructure projects in central Washington, as well as across the West. This legislation will provide the next major step to addressing our water crisis in the West.

I thank the Subcommittee for allowing me to testify today, and I certainly look forward to working with you to get this bill signed into law.

With that, thank you very much, Mr. Chairman.

[The prepared statement of Mr. Newhouse follows:]

PREPARED STATEMENT OF THE HON. DAN NEWHOUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Thank you, Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee for inviting me to testify before you today on H.R. 4419, the "Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act."

This legislation exhibits years of hard work and determination—and certainly collaboration—and I'd like to begin by extending my sincere thanks to Chairman Bishop and his staff, as well as Speaker Ryan and his staff, for working with me to move this legislation forward. I'd also like to thank my colleague, Congressman Reichert, for his continued partnership on these efforts. This legislation is not only critical for our respective districts in Washington State, but for districts across the Nation, particularly those in the West.

Water is vital for the livelihoods and prosperity of communities in the western United States. These communities, including my constituents in central Washington, know all too well the detrimental impacts of facing severe droughts and water shortages. In states where the Bureau of Reclamation (BOR) and Bureau of Indian Affairs (BIA) hold jurisdiction for the development of water projects,

communities are left waiting due to the lack of a streamlined process. H.R. 4419 would apply the same streamlined water project development process used by the U.S. Army Corps of Engineers, established under the "Water Resources Reform Development Act of 2014," or WRRDA, to BOR's and BIA's processes for surface water, storage, infrastructure, and recycling project developments. The WRRDA legislation passed through both Chambers of Congress with overwhelming bipartisan support. My hope with this legislation is to achieve the same streamlined process for BOR and BIA that was developed for the Corps.

This legislation also authorizes several key water development projects across the West, including projects in California, Kansas, Montana, and in my home state of Washington. One of these is the third phase of a vital effort in central Washington, the Yakima River Basin Water Enhancement Project, or YRBWEP. The Yakima River Basin is one of the leading agricultural regions in Washington State and throughout the country. However, the demand for water in the region currently exceeds the resources available, especially during times of drought, which have hit the state especially hard in the past few years. Through years of tough and complex, but continued negotiations, the Yakima River Basin Plan is a model of collaboration that offers a solution to give water users more certainty, while also recognizing the concerns of conservationists and the various stakeholders in the Yakima Basin.

I would be remiss if I didn't acknowledge the collaborative group of stakeholders at the core of this vital effort. The YRBWEP Workgroup and its Implementation Committee are made up of local irrigation districts, environmental advocates, local elected officials, tribal leaders, state agency officials, conservation organizations, and water storage advocates. The fact that this diverse of a group can agree on much, let alone negotiate and collaborate on years of integrated water project development efforts, is nothing short of ground-breaking. I look forward to hearing testimony from one of the Implementation Committee's own, Mr. Urban Eberhart, and I thank the Subcommittee for providing the opportunity for the Workgroup to share their model of success with the Nation.

Mr. Chairman, H.R. 4419, the "Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act" is a common-sense bill that reforms the current cumbersome and lengthy processes for water development efforts and provides a mechanism to build new water and infrastructure projects in central Washington and across the West. This legislation will provide the next major step to addressing our water crisis in the West. I thank the Subcommittee for allowing me to testify today, and look forward to working with you to get this bill signed into law.

Mr. LAMBORN. Thank you for your testimony. You are welcome to join us for the remainder of the hearing, but if you need to be excused for other obligations, we will understand.

Mr. NEWHOUSE. I will stay for at least the testimony.

Mr. LAMBORN. Excellent. Now I would ask the second panel of witnesses, consisting of four individuals, to come forward. And as they are coming forward, I will introduce them.

Our first witness is Mr. Alan Mikkelsen, Deputy Commissioner of the Bureau of Reclamation from Washington, DC; our second witness is Mr. Urban Eberhart, Manager of the Kittitas Reclamation District from Ellensburg, Washington; our third witness is Mr. Scott Gudes, Vice President of Government Affairs for the American Sportfishing Association from Alexandria, Virginia; and our final witness is Mr. Patrick O'Toole, President of the Family Farm Alliance from Savery, Wyoming.

I thank each of you for taking the time to be here. Your written testimony will appear in full in the hearing record, so I ask that you keep your oral statement to 5 minutes, as outlined in our invitation letter to you and under Committee Rule 4(a).

I will also explain how the timing lights work. When you are recognized, press the talk button to activate your microphone. Once you begin your testimony, the Clerk will start the timer and a green light will appear. After 4 minutes, a yellow light comes on.

At that time, you should begin to wrap up. When the red light comes on after 5 minutes, we ask that you would conclude at that time.

Mr. Mikkelsen, you are now recognized for 5 minutes.

STATEMENT OF ALAN MIKKELSEN, DEPUTY COMMISSIONER, BUREAU OF RECLAMATION, WASHINGTON, DC

Mr. MIKKELSEN. Good afternoon, Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee. My name is Alan Mikkelsen, and I am the Acting Commissioner of the Bureau of Reclamation.

The Department of the Interior supports the goals of H.R. 4419. Let me summarize the Department's efforts to streamline the implementation of NEPA. The Department offers our views in consideration of the points of common interest between H.R. 4419 and Secretarial Order 3355 and Executive Order 13807.

The Department supports efforts to streamline and expedite environmental reviews and approvals for all infrastructure projects. Surface water storage projects are an important component of our Nation's infrastructure that creates multiple benefits, including reliable water supplies, flood control, hydropower, and water quality improvements.

President Trump signed Executive Order 13807, aimed at identifying and addressing inefficiencies in the environmental review and permitting process for infrastructure projects to curtail construction delays, increase costs, and expedite infrastructure benefits to our Nation's economy, society, and environment.

Following the release of the President's order, Secretary Zinke released Secretarial Order 3355 to streamline the environmental review process within Interior. Secretary Zinke's order requires bureaus to limit environmental impact statements to 150 pages, or 300 pages for unusually complex projects, and suggests a target of 1 year for agencies to complete an EIS after issuing a NEPA notice of intent.

The order directs the Deputy Secretary to identify impediments to efficient and effective NEPA reviews, best practices, and evaluate whether the Department should establish additional categorical exclusions or revise current ones.

The order also requires assistant secretaries to identify the potential impediments to reviews for infrastructure, and develop action plans to address impediments.

By focusing on the factors that we can control, reforming and streamlining in the environmental review process, we can have a positive impact on the speed by which these projects are completed.

Some of the requirements in H.R. 4419 are already established in routine practice or agency regulations. We look forward to working with the sponsor to develop technical amendments to this bill, clarifying duplicative and varying standards between current practice and some of the changes being implemented pursuant to Secretarial Order 3355.

Section 8 of the bill would authorize four specific water projects. In Phase III of the Yakima Basin Integrated Resource Management Plan, the Department remains an ongoing Federal participant in this initiative, and continues to seek solutions to the long-term

imbalance between water supply and demand, and provide ecosystem restoration in the Yakima Basin.

With the Equus Beds Project, the Department reiterates its support for the city of Wichita's goals of conserving and improving water supplies. With the Musselshell-Judith rural water system in Montana, the Department reiterates its support for the goals of encouraging a vibrant rural economy, and ensuring safe and reliable sources of drinking water.

With respect to the Shasta Lake water resources investigation, surface water storage projects are an important component of our Nation's infrastructure that create multiple benefits, including reliable water supplies, flood control, hydropower, and water quality improvements. In California, surface water storage is a crucial component to addressing the growing demands on water supplies. Reclamation continues to look for stakeholder partners to engage with us in advancing this project. If such partners are identified and Congress authorizes the project, we are prepared to advance this project.

Finally, Section 9 provides a mechanism for inactive projects to be deauthorized with a need for congressional action on a project-by-project basis. We recognize the sponsor's interest in deauthorizing inactive Reclamation projects, and believe Congress plays an important role in providing the Department direction as to whether to deauthorize projects Congress determines no longer remain viable.

In conclusion, Mr. Chairman, the Department looks forward to working with this Subcommittee and our sister agencies to achieve the goals of this legislation. We applaud any consideration of streamlining, and hope that we can work in unison to identify other ways to reduce unnecessary and time-consuming analysis and associated legislation.

Thank you.

[The prepared statement of Mr. Mikkelsen follows:]

PREPARED STATEMENT OF ALAN MIKKELSEN, DEPUTY COMMISSIONER, BUREAU OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR

Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee, my name is Alan Mikkelsen, and I am the Deputy Commissioner at the Bureau of Reclamation (Reclamation) at the Department of the Interior (Department or Interior). Thank you for the opportunity to present testimony on behalf of the Department regarding H.R. 4419, the Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act, which aims to streamline the process of studying, planning, designing and constructing water projects in the arid West. While H.R. 4419 includes Bureau of Indian Affairs' projects in the streamlining provisions, I intend to focus on the Bureau of Reclamation's views on the bill. As the Bureau of Reclamation is committed to sound, efficient, and streamlined environmental review processes in order to avoid unnecessary construction delays and increased costs of water projects, the Department supports the goals of H.R. 4419.

ONGOING STREAMLINING EFFORTS

Before I discuss specific provisions of H.R. 4419, I would like to briefly summarize the Department's ongoing efforts to streamline the implementation of the National Environmental Policy Act (NEPA) under Secretarial Order 3355 and Executive Order 13807. The Department's streamlining process was considered as we prepared the Department's statement on the bill before the Subcommittee today, and the Department offers its views in consideration of the points of common interest between H.R. 4419 and Secretarial Order 3355 and Executive Order 13807.

The Department supports efforts to streamline and expedite, in a manner consistent with law, environmental reviews, and approvals for all infrastructure projects. Water projects in particular are an important component of our Nation's infrastructure that can create multiple benefits, including reliable water supplies, flood control, hydropower, and water quality improvements.

On August 15, 2017, President Trump signed Executive Order 13807 aimed at identifying and addressing inefficiencies in the environmental review and permitting process for infrastructure projects, in order to curtail construction delays and increased costs, and expedite infrastructure benefits to our Nation's economy, society and environment. The Executive Order directs the Council on Environmental Quality (CEQ) to undertake a number of actions, including developing a list of actions it can take to enhance and modernize the Federal environmental review and authorization process. On September 14, 2017, CEQ published a notice in the Federal Register announcing an initial list of actions it will take to enhance and modernize the Federal environmental review and authorization process for infrastructure projects. These include actions to develop a "One Federal Decision" framework for infrastructure project approval, improving the process for preparing efficient and timely environmental reviews under NEPA, and convening an interagency working group to review NEPA implementing regulations.

Following the release of Executive Order 13807, the Department released Secretarial Order 3355 to immediately take steps to streamline the environmental review process within the Department's offices and bureaus and implement Executive Order 13807. Secretarial Order 3355 requires bureaus within Interior to limit environmental impact statements (EIS) to 150 pages, or 300 pages for "unusually complex projects." The order suggests a "target" of 1 year for agencies to complete an EIS after issuing a notice of intent under the NEPA. The order directs the Deputy Secretary to identify impediments to efficient and effective NEPA reviews, best practices, and evaluate whether the Department should establish additional categorical exclusions or revise current ones. The order also requires Assistant Secretaries to identify potential impediments to efficient and effective reviews for infrastructure and develop actions plans to address impediments. In implementing Secretarial Order 3355, the Department aims to eliminate unnecessary detail and paperwork, and replace it with sound decision making on an informed understanding of environmental consequences.

Existing review processes are more than adequate to identify projects that are not feasible. However, far too often the environmental review process, and concomitant litigation, is used to unnecessarily obstruct, delay, and increase the costs of well-justified, highly merited projects. Executive Order 13807 and Secretarial Order 3355 are intended to cut through this red tape and help advance these worthy projects. By focusing on factors we can control—reform and streamlining in the environmental review process—we can have a positive impact on the speed by which these projects are completed.

The Department notes that there are numerous factors that can slow down the progress of projects. These include identifying local cost-share partners and markets for water, risks associated with project geology, downstream impacts, and litigation over environmental review. Secretarial Order 3355 aims to move the Department away from a regulatory regime that too often results in the cost of preparing environmental review documentation surpassing the costs of a proposed project. Years and years of litigation and numerous rewrites of environmental review documentation does not benefit interested parties, and moves us away from a coordinated, predictable, and transparent approval process. H.R. 4419 in conjunction with the ongoing streamlining efforts by the Administration has the potential to minimize the role of litigation in infrastructure and natural resources decisions.

H.R. 4419 (SECTIONS 2–7)

H.R. 4419 sets forth provisions governing feasibility studies for water projects initiated under Reclamation law, with an aim toward accelerating the approval of major infrastructure projects. A project study initiated after enactment of the bill must: (1) result in the completion of a final feasibility report within 3 years; (2) have a maximum Federal cost of $3 million; and (3) ensure that personnel from the local project area, region, and headquarters levels of the Bureau of Reclamation concurrently conduct the required review. The bill sets forth factors for extending timelines for complex projects.

The bill contains several other provisions of note, which require the Department to:

- annually prepare a list of all studies that do not have adequate funding for study completion;
- develop and implement a coordinated environmental review process for the development of such studies;
- identify early all Federal, state, and local government agencies and Indian tribes that may have jurisdiction and that may be required to act, which the Federal lead agency shall invite to become participating or cooperating agencies;
- issue guidance regarding the use of programmatic approaches to carry out the environmental review process; and
- establish an electronic database and issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable NEPA requirements and other action required for a project study.

The bill sets forth responsibilities in the environmental review process, including a plan for coordinating public and agency participation; working with cooperating agencies to resolve issues that could delay process completion or result in the denial of any approval; and establishing, upon request, memoranda of agreement with the project sponsor, Indian tribes, and state and local governments to carry out the early coordination activities. Further, the bill requires a Federal lead agency to serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated, or administered by Reclamation. It directs Interior, upon determining that a project can be expedited by a non-Federal sponsor and that there is a demonstrable Federal interest in expediting the project, to advance it as a non-Federal project; requires a Federal jurisdictional agency to complete any required approval or decision for the environmental review process on an expeditious basis; and, as referenced below, provides for a reduction of funds for agencies that fail to render decisions by a specified deadline.

Under Sections 3 and 6 of the bill, Interior must develop and submit reports to Congress on topics such as the status of implementation and the costs and benefits of proposed project studies. The Department would also be required to report on any project study that was expedited under this bill. The Department would like to work with the Committee and bill sponsor to ensure Section 5(i)(5)(B)(i)(II) does not unintentionally impact other activities in Reclamation's budget, foster litigation, or cause unforeseen delays by requiring financial penalties on Federal agencies found out of compliance with the decision deadlines in H.R. 4419.

Some of the requirements in H.R. 4419 are already established in routine practice or agency regulations, and CEQ has developed guidance on use of programmatic reviews. To avoid duplication between current practice and desired goals, or inconsistencies with definitions, the Department looks forward to working with the Subcommittee to develop technical amendments to this bill to clarify duplicative and varying standards between current practice, and some of the changes being implemented pursuant to Secretarial Order 3355.

PROJECT AUTHORIZATIONS

Section 8 of H.R. 4419 would authorize four Reclamation projects to be carried out in accordance with the feasibility reports listed in the chart. The legislation authorizes construction of Phase III of the Yakima River Basin Water Enhancement Project, Equus Beds Division of the Wichita Project, Musselshell-Judith Rural Water System, and the Shasta Lake Water Resources Investigation. My statement will speak to each of those projects separately.

In regards to the authorization of Phase IIII of the Yakima Basin Integrated Resource Management Plan (Integrated Plan), the Department remains an ongoing Federal participant in this initiative, and continues to support the ongoing coordination with our state partners and all Basin interests to find solutions to the long-term imbalance between water supply and demand and provide ecosystem restoration in the Yakima Basin.

With regards to the Equus Beds Project, the Department reiterates its support for the city of Wichita's goals of conserving and improving water supplies. Specifically, the Equus Beds Aquifer Storage and Recovery Project would provide a safe and reliable water source to Wichita and the surrounding area, while protecting the water quality of the Equus Beds aquifer. Reclamation signed a Record of Decision on January 19, 2010, selecting the project as the preferred alternative.

In regards to the Musselshell-Judith Rural Water System, the Department reiterates its support for the goals of encouraging a vibrant rural economy and ensuring safe, reliable sources of drinking water in Montana and North Dakota. As we testified on June 14, 2017, the Department found the proposed project to be feasible, and met the broad criteria of the program.

With respect to the Shasta Lake Water Resources Investigation, surface water storage projects are an important component of our Nation's infrastructure that can create multiple benefits, including reliable water supplies, flood control, hydropower, and water quality improvements. In California, cost-effective surface water storage is a crucial component to addressing the growing demands on California water supplies. The Shasta Enlargement Final Feasibility Report and Environmental Impact Statement (EIS) was transmitted to Congress in July 2015. The EIS identified a preferred alternative (Comprehensive Plan 4A). Reclamation continues to look for stakeholder partners to engage with us in cost-sharing and advancing this project. If such partners are identified, certain state and local issues are resolved, and Congress authorizes the project, then Reclamation is willing to work with those partners to advance the project.

DEAUTHORIZATION OF INACTIVE RECLAMATION PROJECT AND PROGRAMS (SECTION 9)

Section 9 would direct the Secretary of the Interior to compile a list of congressionally-authorized inactive Reclamation programs or projects that are no longer under active consideration for construction due to cost, lack of local support, feasibility, or other reasons. Second, this provision provides a mechanism for inactive projects to be deauthorized without the need for congressional action on project-by-project basis. The language mirrors provisions enacted in Section 6001 of the Water Resources Reform and Development Act (WRRDA) of 2014 (P.L. 113–121).

Reclamation recognizes the sponsors' interest in deauthorizing inactive Reclamation projects when projects lack local support and available funding, or are otherwise determined to be inactive or irrelevant. Reclamation believes Congress plays an important role in establishing appropriate guidance for the Department on matters under its jurisdiction. This includes congressional direction as to whether or not to deauthorize projects Congress determines no longer remain viable.

CONCLUSION

In conclusion, Mr. Chairman, the Department of the Interior looks forward to working with this Subcommittee and our sister agencies to achieve the goals of this legislation. We applaud any consideration of streamlining and hope we can work in unison to identify other ways to reduce unnecessary and time-consuming analysis and its concomitant litigation.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. JODY HICE TO ALAN MIKKELSEN, DEPUTY COMMISSIONER, U.S. BUREAU OF RECLAMATION

Question 1. Mr. Mikkelsen, I am concerned when I hear from my colleagues out West that shovel-ready projects are stalled by seemingly endless studies. As you testified, Mr. O'Toole, ". . . sometimes [the existing] process is used as a barrier to the planning, design and construction of new water storage projects." We've seen in Georgia, how delays in construction can increase project costs exponentially. Are the provisions in the bill that streamline the feasibility study process necessary, or is the ability simply to authorize new projects sufficient?

Answer. Before a project can become shovel-ready, it is necessary under the Federal Water Resources Planning process to complete a feasibility study. This is required to ensure that from a design, technical and engineering perspective the project is feasible and will, when constructed, meet the expected water and power supply needs of the benefiting community. It is also important to ensure that the identified economic benefits are accurate, will be realized by the design of the project, and will exceed the project's costs. In addition, it is important that the local community and the taxpayers of the United States are able to bear the construction and operational costs' of the project. This process, which is similar across many Federal agencies, is important to protect the long-term interest of the project beneficiaries and the taxpayers. H.R. 4419 would provide streamlining to the feasibility study process by requiring studies to be completed in a more timely and efficient manner. Finally, once feasibility studies or project construction is authorized by Congress, Reclamation depends upon the relevant non-Federal cost share and

congressional appropriations to undertake and complete these activities in a timely manner.

Question 2. Mr. Mikkelsen, H.R. 4419 would certainly increase water supply for human needs as we can begin fixing our degrading water infrastructure. Do you also see broader environmental benefits to this increased water supply?

Answer. Reclamation projects are generally authorized by Congress for multiple purposes including irrigation, municipal and industrial uses as well as to provide recreational and fish and wildlife benefits. It is our expectation that the streamlined process envisioned by H.R. 4419 intends to accelerate the pace of completing the feasibility studies and project completion—which would include any and all of the authorized benefits that are associated with the project.

Question 3. Mr. Mikkelsen, From what we've heard today, the current challenges associated with modernizing existing and constructing new water storage projects must be a nightmare for strategic planning. How do the provisions of H.R. 4419 help the Bureau engage in long-term planning?

Answer. Expediting the feasibility study process will permit the Bureau's planning resources to address additional water storage projects simply by spending less time on the analysis of each. Having a defined period for completion of a feasibility analysis makes managing the overall planning portfolio more efficient. H.R. 4419 will do little to address issues with prioritizing the planning portfolio, but will add parameters on feasibility study period length which should help with overall long-term planning.

Question 4. Mr. Mikkelsen, How will coordinating environmental reviews and streamlining the feasibility study process help the Bureau better serve water users?

Answer. Water users would be better served through increased coordination and establishment of environmental reviews and feasibility study processes that could result in timelier project implementation. Improvements to front-end coordination and established processes for the over-all effort would likely result in: common understanding of the process, requirements, and expectations of entities involved; development of more robust schedules providing key decision points and deliverables; clear identification of data needs and necessary studies; greater certainty of timing for engagement of users; reduced environmental review and feasibility study costs; and increased transparency. The structured process improves the certainty in project timing so water users can more easily plan their financial and resource commitments associated with project implementation.

Mr. LAMBORN. Thank you.

Mr. Eberhart, you are now recognized for 5 minutes.

STATEMENT OF URBAN EBERHART, MANAGER, KITTITAS RECLAMATION DISTRICT, ELLENSBURG, WASHINGTON

Mr. EBERHART. Thank you, Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee. Thank you for the opportunity to testify on H.R. 4419, the Bureau of Reclamation and Bureau of Indian Affairs Water Streamlining Act.

My name is Urban Eberhart, and I am the Secretary-Manager of the Kittitas Reclamation District, an irrigation district serving 60,000 acres of prime farmland in the Yakima River Basin in the vicinity of Ellensburg, Washington. I am also a farmer in the Yakima River Basin. I was raised on our family farm near Ellensburg, and am still growing apples, pears, and hay in the Badger Pocket area of the Kittitas Valley.

I am here today on behalf of the Yakima Basin Working Group in support of this Subcommittee's efforts to congressionally authorize the Bureau of Reclamation to continue to partner with the state of Washington and the working group in implementing the initial development phase of the Yakima Basin Integrated Plan Phase III

of the Yakima River Basin Water Enhancement Project at Reclamation.

Over the last 9 years, this unique and diverse collaboration has emerged in the Yakima Basin and is focused on developing a collective vision for the future of water in the watershed, a future where there is water for farming, water for fish, and water for families, even when we have years of less-than-adequate water supplies. Congressionally authorizing this initial development phase of the integrated plan is the next vital step forward in making that future possible.

The Yakima Basin Working Group supports the concepts provided by H.R. 4419 to authorize the initial development phase of the integrated plan. The working group is tremendously grateful to Representative Dan Newhouse and Representative Dave Reichert for their tireless work in supporting the Yakima Basin Integrated Plan, and for introducing this legislation. They understood how important the integrated plan is in the Yakima River Basin, the state of Washington, and the Yakima Nation.

Through the efforts of the working group, we have seen substantial progress in meeting the plan's goals through partnerships and cooperation, when in the past we were in conflict. We are encouraged by the fact that both Democratic and Republican administrations have supported this collaboration and have looked to the integrated plan and our diverse coalition as a potential model for future water management in the West.

The Yakima River Basin is one of the most productive, concentrated, irrigated agriculture areas in the Nation, producing more than $4.5 billion in crops and food processing sales, and supporting more than 44,000 jobs annually.

The Yakima River Basin is also home to significant fish and wildlife resources, including anadromous steelhead and salmon runs. These fish runs are part of the important recreational and tribal resources in our basin. The Yakima Nation has relied on these fish and wildlife resources for generations. These ancient fish runs have been in decline during the mid-20th centuries, and were a focus of contention over water supplies and water management in the basin for many years.

Recent efforts to improve fish habitat through significant investments in water conservation, improved water management, water marketing, habitat restoration, and fish passage have seen some success. In fact, Reclamation estimates that, on average, approximately 130,000 acre-feet per year has been conserved since the 1990s. But additional new investments in water conservation, water storage, and fish passage are still needed, which the integrated plan supports.

Frequent droughts over the past several decades have demonstrated the vulnerability of the Yakima Basin's water supply. Since 1992, there have been six low-water years, where proratable irrigation districts, those subject to curtailment in dry years, received far less than their full allocation of water. During these droughts, the proratable irrigation districts served by Reclamation only received between 37 and 47 percent of their usual water supply.

The integrated plan will add an additional 170,000 acre-feet of water conservation savings through Federal, state, and local partnerships. The proratable irrigation districts in the Yakima Basin are planning to finance, build, and operate the first major water supply project in the integrated plan themselves, estimated to cost about $200 million. The state of Washington has approved bipartisan legislation to provide up to 50 percent of the cost to implement the integrated plan. The state has made major investments in the integrated plan, totaling $173.3 million since 2013.

As you can see, the integrated plan leverages Federal, state, and local partnerships and funding to accomplish what one single stakeholder could not.

In summary, the Yakima Basin Integrated Plan is a balanced approach, agreed upon by an incredibly diverse coalition of farmers, environmental, and outdoor groups, local, state, and Federal governments, and the Yakima Nation. It is designed to sustainably meet the needs of water users in abundant salmon and steelhead runs, improve habitat for fish and wildlife, and allow our communities to grow.

We look forward to continuing to work with you and Representatives Newhouse and Reichert on this legislation. We believe it is essential that we come together and craft an approach that can pass Congress and be enacted into law.

Thank you.

[The prepared statement of Mr. Eberhart follows:]

PREPARED STATEMENT OF URBAN EBERHART, SECRETARY/MANAGER, KITTITAS RECLAMATION DISTRICT AND FARMER FROM ELLENSBURG, WASHINGTON ON BEHALF OF THE YAKIMA BASIN WORKING GROUP

Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee, I would like to thank you for the opportunity to testify on H.R. 4419, the Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act. I am here today on behalf of the Yakima Basin Working Group in support of this Subcommittee's efforts to congressionally authorize the Federal Government to continue to be our partner in the Yakima Basin Integrated Plan, and especially those Federal portions which are known as Yakima River Basin Water Enhancement Project Phase III (YRBWEP Phase III).

Over the last 7 years, a unique and diverse collaboration has emerged in the Yakima Basin focused on developing a collective vision for the future of water in the Yakima Basin; a future where there is water for farming, water for anadromous fish, and water for families even when we have years of less than adequate water supplies. Congressionally authorizing the Initial Development Phase of the Integrated Plan is the next vital step forward in making that future possible.

We are tremendously grateful to Representative Dan Newhouse and Representative Dave Reichert for their tireless work in supporting the Yakima Basin Integrated Plan and for introducing this legislation. They understand how important the Integrated Plan is to the Yakima River Basin, the state of Washington, and the Yakama Nation, and have been looking for ways to move the authorization for the Integrated Plan forward through the House and Senate, then on to the President's desk.

H.R. 4419 would accomplish many things, including authorizing parts of the Integrated Plan that need additional Federal authorities. The Yakima Basin Working Group supports the concepts provided by H.R. 4419 to authorize the Initial Development Phase of the Integrated Plan, and we look forward to working with this Committee and Representatives Newhouse and Reichert to ensure that the Yakima portions of the bill accomplish the goals and phasing set out by the Yakima Basin Working Group and the Bureau of Reclamation, including the authorization of the Initial Development Phase of the Plan. By working together, we have seen amazing progress on meeting the Plan's goals through partnerships and cooperation, when in the past we were in conflict. We are buoyed by the fact that both Democratic and Republican administrations have lauded this collaboration and have

looked to the Integrated Plan and the diverse coalition that developed and is supporting the Plan as a potential model for future water management in the West.

My name is Urban Eberhart and I am the Secretary/Manager of the Kittitas Reclamation District (KRD), an irrigation district serving 60,000 acres of prime farmland in the Yakima River Basin in the vicinity of Ellensburg, Washington. I am also a farmer in the Yakima River Basin. I was raised on our family farm near Ellensburg and am still growing apples, pears, and hay in the Badger Pocket area of the Kittitas Valley.

I have been following and working on the Yakima River Basin Water Enhancement Project (YRBWEP) ever since I went to my first Yakima water enhancement meeting with my father back in 1979, the year Congress authorized a feasibility study to address the water resource needs of the Yakima River Basin; the Act of December 12, 1979 (93 Stat. 1241, Public Law 96–162). An outgrowth of this study was the implementation of Phase I (fish ladders and fish screens) and Phase II (water conservation and other measures) of the YRBWEP.

I was an active participant in the development of the 1994 YRBWEP Phase II legislation. I have also been intimately involved in the development of the Yakima River Basin Integrated Plan, a forward looking holistic approach to dealing with the expected problems in the Basin to help meet all water demands over the next several decades. I support the enactment of legislation authorizing Phase III of the YRBWEP and beginning the first 10 years implementation (known as the Initial Development Phase) of the Integrated Plan.

When most people think of Washington State, they visualize a place with dark green forests, high mountains and constant rain. While that perception is at least partially accurate, the rain forests on our Olympic Peninsula receive on average about 140 inches of rainfall a year, much of the eastern half of the state lays in the rain shadow of the Cascade Mountains, and has a semi-arid climate. The total annual precipitation in some portions of eastern Washington is measured in single digits.

However, Washington State, like many other parts of the West, has suffered from extreme drought conditions for extended periods of time, especially in the past several years. These conditions create great challenges for our farmers, for our fisheries, and for the families of Washington State. But throughout our Basin a number of efforts are underway to prepare for and improve the response to these new and, what we expect to be, more common conditions.

The Yakima Basin is an approximately 6,000 square mile watershed in south central Washington State. It supports a population of about 360,000 people and is home to the approximately 10,000 member Yakama Nation. The Yakima Basin contributes $4.5 billion annually and 44,300 jobs to the agricultural economy of the state of Washington. Recreation, much water dependent, adds 14,200 jobs and $1.2 billion to the economy. All told, Yakima's water dependent economy adds $13.1 billion to the economy and 96,000 jobs.

The Federal Bureau of Reclamation's (Reclamation) Yakima Irrigation Project (Project) in the Yakima River Basin includes seven divisions: Storage, Kittitas, Tieton, Sunnyside, Roza, Kennewick, and Wapato serving irrigable lands totaling approximately 464,000 acres. The Wapato Division is operated by the Bureau of Indian Affairs, but receives most of its water supply from the Yakima Project for irrigation of 136,000 acres of land. Over 45,000 acres not included in the seven divisions are irrigated by private interests under water supply contracts with the Bureau of Reclamation. The six water storage dams and reservoirs on the Project are Bumping Lake, Clear Creek, Tieton, Cle Elum, Kachess, and Keechelus. Other Project features include five diversion dams, canals, laterals, pumping plants, drains, three hydropower plants, and transmission lines.

The Yakima River Basin is one of the most productive concentrated agricultural areas in the Nation. Yakima County ranks first among all counties of the United States in the production of apples, mint, and hops. Principal crops grown in the Yakima Basin include fruit, vegetables, forage, hops, grapes, and mint, with many highly productive dairies, fruit packaging plants, wineries, and other related businesses and industries tied to our Basin's bountiful harvests. As previously stated, these industries in the Basin alone annually produce more than $4.5 billion in crops and food processing sales while supporting more than 44,300 jobs and exporting over $1.3 billion through the Ports of Seattle and Tacoma every year. A reliable Yakima Basin water supply is a critical requirement for these industries.

The Yakima River Basin is also home to significant fish and wildlife resources, including an anadromous fish population of steelhead as well as bull trout that are both protected under the Endangered Species Act (ESA), and salmon runs. These fish runs are part of the important recreational and tribal resources in our basin. Historically, it is important to recognize that the Yakima Basin was the second

largest producer of salmon and steelhead runs in the entire Columbia River system. Those runs numbered close to 800,000 salmon and steelhead each year. The Yakama Nation has relied on these fish and wildlife resources for generations. These ancient fish runs declined precipitously during the mid-20th century, and were a focus of contention over water supplies and water management in the basin for many years. Recent efforts to improve these fish runs through investments in water conservation, improved water management, habitat restoration, and fish passage have seen some marked success. But additional investments are still needed, which the Integrated Plan supports.

Since 1905, when the state granted rights for all unappropriated surface water in the Yakima Basin to Reclamation, surface water flows in the Yakima Basin have been managed by Reclamation. Reclamation operates reservoirs with a total capacity of about 1,100,000 acre-feet, which is about one-third of the average annual runoff in the Yakima Basin. The Yakima Basin is heavily dependent on east-slope Cascade Range snowpack to supply water to the semi-arid lower basin during the summer months.

Water law in Washington State is based on the doctrine of prior appropriation, the basic premise of which is water use priority is determined based on "first in time, first in right." Water users in the Yakima Basin are a combination of the pre-1905 senior surface water right holders, direct customers of Reclamation served water under Reclamation's 1905 state water right, a small number of post-1905 junior surface water right holders, and groundwater right holders, mostly with post-1905 priority dates. Of course, all of this must be overlaid with the Yakama Nation's treaty right to water for fisheries, irrigation and other purposes and their seniority which would obviously pre-date 1905.

Management of water in the Yakima Basin has historically been highly contentious and marked by protracted legal battles. The surface water resources of the Yakima Basin are over-appropriated, and a state court adjudication of those water rights has been ongoing since 1977. The state closed the Yakima Basin to additional groundwater rights in the 1990s. Recently, the U.S. Geological Survey concluded that the Yakima Basin's groundwater aquifers are in continuity with surface waters. Based on that conclusion, it is likely that most of the post-1905 ground water rights, upon which most of the Yakima Basin's municipalities depend, will be determined to be junior to Reclamation's 1905 water right and, therefore, subject to curtailment in water short years.

Frequent droughts over the past several decades have demonstrated the vulnerability of the Yakima Basin's water supplies. Since 1992, there have been six low water availability years (1992, 1993, 1994, 2001, 2005, and 2015) where "proratable" irrigation districts (subject to curtailment in dry years) in the Yakima Basin received far less than their full allocation of water. During droughts in 1994, 2001, 2005, and 2015, these "proratable" irrigation districts served by Reclamation received only between 37 and 47 percent of their usual water supply.

Instream flows and aquatic resources of the Yakima Basin have also continued to suffer. A combination of out-of-basin and in-basin factors, including diminished stream flows and lack of fish passage at existing reservoirs, have combined to drastically reduce the numbers of salmon and steelhead. Runs of salmon and steelhead that, as previously noted, once numbered at least 800,000 fish declined to about 9,000 fish by the 1990s. Sockeye, Coho, and summer Chinook salmon stocks have all been extirpated; although efforts are underway, led by the Yakama Nation, to reintroduce and restore stocks of those species. The Yakima Basin's steelhead and bull trout are Endangered Species Act listed threatened species.

Since 2009, the state of Washington's Department of Ecology—Office of Columbia River and the Bureau of Reclamation have been collaborating with the Yakama Nation and Yakima Basin stakeholders to formulate a comprehensive strategy to address critical resource needs. That collaboration focused on expanding the work of the 1979 Federal Yakima River Basin Water Enhancement Project (YRBWEP) and the 1994 Congressional Amendments that created Phase II of YRBWEP. That strategy took shape in mid-2011 when consensus was reached on the Yakima Basin Integrated Plan.

The Federal parts of this Integrated Plan are being proposed as Phase III of YRBWEP. Development of the Integrated Plan was facilitated by additional Federal support resulting from the Yakima Basin being selected as the recipient of one of Reclamation's first Basin Study grants under their WaterSMART Program.

The Integrated Plan proposes major ecological restoration of the Yakima Basin through a number of bold measures. The Integrated Plan provides for construction of fish passage at all major in-basin reservoirs to open high basin spawning and rearing areas that have been blocked for a century. It will provide substantial mainstem and tributary habitat enhancements. Substantial portions of the upper

watershed will be restored as habitat for both terrestrial and aquatic species. In addition, the plan provides for operational modifications to improve operational efficiency and flexibility.

The Integrated Plan also calls for substantial improvements in water supply for both instream and out-of-stream uses. About one-half of eastern Washington's out-of-stream water needs and one-third of our unmet instream flow needs are in the Yakima Basin. Water supply improvements will come in several different forms. Efficiency of existing use of water will be improved through reducing barriers to the transfer of water between willing buyers and willing sellers. Municipal and agricultural conservation efforts will be enhanced. For example, the 1994 YRBWEP Phase II efforts called for 160,000 acre-feet of conservation, of which 126,000 acre-feet has been completed or is in process. The Integrated Plan adds an additional 170,000 acre-feet of water conservation savings much of which will be in the upper basin and tributaries where conservation was not supported by YRBWEP Phase II. Studies are also underway to better understand the potential role of aquifer storage in providing passive recharge to the mainstem and tributaries of the Yakima River in targeted locations.

However, the objectives of the Integrated Plan cannot be met without significant improvements in surface water storage. The Office of Columbia River and Reclamation have determined, based on an analysis of water supply needs, that supplementing the Yakima Basin's existing 1,100,000 acre-feet of water storage capacity with an additional 450,000 acre-feet of capacity in the form of modified and new surface storage facilities will be needed to provide:

- Drought relief and resiliency to existing irrigators in the Yakima Basin;
- Secure water supplies for our municipalities with junior water rights and to meet their future needs, and
- Adequate water for fish out-migration and pulse flows in all years.

It is a testimonial to how hard all sides worked and compromised in negotiating the Integrated Plan that we have environmentalists, fishery advocates, and Yakama Nation support for a plan that includes new water storage. Even casual observers of western water wars will know how unusual that is.

The importance of expanding water storage capacity is underscored by hydrologic modeling conducted by the University of Washington and the Federal River Management Joint Operating Committee that predicts substantial reductions in snow pack depth and duration as we move toward mid-century. The most recent 2015 drought in the Yakima Basin, had near normal precipitation but little snow accumulation, resulting in 47 percent supply for the 1905 water rights, and a loss of agricultural production of $118.5 million in just three of the irrigation districts most reliant on Reclamation supplies This "snowpack drought"—near normal precipitation but little snowpack water storage—reflects expected future conditions. The Integrated Plan recognizes that the only effective means of offsetting snowpack reductions in the Yakima Basin are improving floodplain aquifer storage potential and increasing surface storage capacity. Sensitivity analysis modeling of the Integrated Plan indicate that, at full Integrated Plan build-out, about 500,000 acre-feet more water would be available under mid-century drought conditions than was available in the most recent drought.

In the past, Reclamation has born the cost of constructing water supply facilities in the Yakima Basin, with the Project repaying these costs back to the Federal Government over time. Today, that financing model is not what the Yakima Basin stakeholders are relying on. The proratable irrigation districts in the Yakima Basin are planning to finance, build and operate the first major water supply project in the Integrated Plan, estimated to cost about $200 million. They will make this large non-Federal investment to build new drought emergency water supply infrastructure as well as new water conservation improvements in coordination with Reclamation and Washington State under the Integrated Plan.

Conservation is often suggested as a substitute for water storage; however, there are severe limitations to the role of conservation as a source of additional water supply. As noted previously, the Integrated Plan proposes to accomplish an additional 170,000 acre-feet of irrigation conservation savings beyond that authorized by YRBWEP Phase II. Further, there are other conservation efforts by irrigation districts, on-farm investments, and municipal conservation programs that all result in more efficient water application and saved water. The result of investments in conservation at all levels is a steady decrease in the amount of water Reclamation is called upon to deliver. Reclamation now in normal years delivers, on average, approximately 130,000 acre-feet per year less than it did prior to the 1990s.

Those savings have provided valuable flow improvements in targeted stream reaches resulting in improved conditions for fish. However, it must be remembered that most conservation efforts focus on reducing the amount of water that leaks or spills from conveyance systems (for example, canals or ditches) or from irrigation practices that result in more water being applied than is needed by the crops being grown. The leaked water returns through runoff or through groundwater to the river at a point downstream of where it was diverted. We refer to this as "return flow." Along the Yakima River mainstem, return flows rejoin the river within days or a few weeks after diversion and contribute to downstream river flows.

If through conservation measures, the leakage or over-application of water is reduced or eliminated, the amount of water diverted can be reduced accordingly. As part of the YRBWEP, irrigation districts agree to leave a portion of their conserved water "instream" for additional flow. Those diversion savings add more flow to the river, but only between the point of diversion and the point at which return flows previously rejoined the river. Below the return flow point, the only residual changes to the river are the timing of these flows and some water quality improvement. If the conserved water described in the preceding example was used for some other out-of-stream purpose, flow below the return flow point would be permanently diminished. The surest way to dry up the river would be to employ such a practice on a widespread basis.

Water marketing has a long and positive history in the Yakima Basin, and has been particularly active in drought years. Under the Integrated Plan, the Department of Ecology, the irrigation districts, fishery managers and others are working on ways to overcome impediments to water transfers while still respecting ecological concerns, state law and district concerns.

The goal of the Integrated Plan is not to expand irrigated agriculture in the Yakima Basin, with the exception of the tribal Wapato Irrigation Project, where some irrigable reservation land is not yet served with water supplies. Instead the goal is to firm up and make more reliable water supplies for fish, farms and the people of the Basin.

With bipartisan support, the state of Washington approved legislation in 2013 that authorized the Department of Ecology to provide up to 50 percent of the cost to implement the Integrated Plan in conjunction with Reclamation and in collaboration with the Yakama Nation, other state and Federal agencies, local governments, and basin stakeholders. In addition to establishing the policy framework at the state level for implementation of the Integrated Plan, the Governor and the Legislature have approved significant capital investments, totaling $173.3 million from 2013 through mid-2017, in on-the-ground projects that meet the multiple goals of the Integrated Plan. We look forward to working with this Committee, the Congress, and the Administration to continue the ongoing Federal/state/local partnership in this special and powerful collaborative effort by leveraging Federal, state and local funding in implementing the Integrated Plan.

In summary, the Yakima Basin Integrated Plan is a balanced approach agreed upon by an incredibly diverse coalition of irrigators, farmers, environmental and outdoor enthusiast groups, local, state and Federal governments, and the Yakama Nation. It is designed to address the need for economic and environmental sustainability, meeting the needs of water users, while restoring abundant salmon and steelhead runs and improving habitat for fish and wildlife. To that end, we look forward to working through some additional suggestions with Committee staff and our congressional delegation. We believe it is essential that we come together and craft an approach that can make it through both Chambers of Congress with support both in the Yakima Basin and beyond.

We appreciate the Committee's consideration of this legislation and look forward to working with you as you consider it merits.

Mr. LAMBORN. Thank you.

Mr. Gudes, you are now recognized for 5 minutes.

STATEMENT OF SCOTT GUDES, VICE PRESIDENT, GOVERNMENT AFFAIRS, AMERICAN SPORTFISHING ASSOCIATION, ALEXANDRIA, VIRGINIA

Mr. GUDES. Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee, at the very outset I would like to thank this Committee, the Subcommittee and its members, and

your outstanding professional staff for the work that you do on a number of pieces of legislation that have to do with the sportsmen community, and we truly thank you.

The American Sportfishing Association is the U.S. sportfishing industry's trade association. We are made up of over 800 companies that manufacture and sell fishing tackle and related apparel and gear, and I could go on about all the things we do.

Our members include a number of businesses and conservation groups that are in Pacific Coast states that depend on the healthy runs of salmon. These are small businesses. Many are family owned, salt-of-the-earth entrepreneurs. Salmon fishing is key to the success and continuation of their businesses, companies like Pro-Troll, which is based in the Bay Area, Lamiglas Rods on the Columbia River, Yakima Baits in Granger, Washington, and companies far outside the West Coast that depend on the fishing. For example, St. Croix Rods in northern Wisconsin, Wright-McGill Eagle Claw near your district, they are based in Denver, right off the highway there.

Today's hearing is an issue in which recreational and commercial fishermen and businesses share a common ground. You probably don't hear that as much here, but this is one where we have the same perspectives. The perspectives I provide you today are shared by the Golden Gate Salmon Association and the commercial group, Pacific Coast Federation of Fishermen's Associations.

The Committee has my written testimony; I just want to highlight a few points.

One, the construction and operation of Federal dams on western rivers, such as the Sacramento, San Joaquin, and Columbia, has actually had severe impacts over time on salmon runs, and consequently, recreational and commercial fishing jobs and the communities that rely on them.

California's Central Valley experts tell us that dam construction has resulted in the loss of more than 90 percent of historic spawning habitat. Water projects, exacerbated by the drought, have had a severe impact. During the past 10 years, the average annual catch by the sportfishing charter community was over 150,000 fish. In 2016, this charter catch declined to 36,000 fish.

For the commercial fishing industry in California, the 10-year annual catch was 350,000 or more fish. In 2016, the catch declined to 55,000 fish. During our previous drought in 2008 and 2009, salmon fishing was actually illegal, it was shut down completely. Before the 2008 closure, in California alone, the salmon fishery supported an economy worth $1.5 billion annually, and 23,000 jobs.

Salmon are special. They are different than many of the species of fish that this Committee deals with. They are anadromous, they spend their early lives in fresh water, they live most of their lives out in the ocean, and then they return to spawn. Unlike a lot of the stocks that you deal with, we actually have a very good handle on how many fish are coming in and how many have been harvested. It is kind of a different issue than you often discuss here.

But the key to restoring a thriving California West Coast salmon fishery is that first part of their life, the ability to get out, to get out to the bay, to get outside the Golden Gate. A hundred percent

of the fish that don't do that, don't make it, don't become part of the stock that comes back.

As my testimony notes, it is probably not surprising to some of you, our groups do not support the expansion of large dams. We are very concerned that the shortening or dictating of the review process will not be in our interest, the salmon fishing interest, or the fishing industry's interest.

I also note that responsibility for salmon is shared by various Federal agencies, including NOAA, which plays a very key role. Their science is very important, and they actually have an office in Sacramento that deals with Central Valley salmon and does the supporting science.

Pacific salmon represent one of the most iconic, historic, recreational, and commercial fisheries in the Nation. In my written statement, I made a comparison to wild Atlantic salmon. California is the southern part of the range of Pacific salmon. New York and Connecticut were the southern end of the range of Atlantic salmon. They no longer exist. They have vanished from southern New England.

I was wrong in my testimony that I said they have vanished entirely. They have not. They still exist in Maine. They are listed under the Endangered Species Act. I was wrong in that there are actually up to 1,000 fish, total, that come back into Maine.

So, we want to make sure that what has happened on the East Coast with Atlantic salmon—and the closest thing to a salmon is a salmon, it is the same issues about water, about access to habitat—we want to make sure that that is not repeated, and that California becomes, if you will, the West Coast example of that.

Thank you for the opportunity to appear today. Again, we really appreciate the role in this, and what this Committee does.

Thank you.

[The prepared statement of Mr. Gudes follows:]

PREPARED STATEMENT OF SCOTT GUDES, VICE PRESIDENT FOR GOVERNMENT AFFAIRS, AMERICAN SPORTFISHING ASSOCIATION

Chairman Lamborn, Ranking Member Huffman and members of the Subcommittee, thank you for this opportunity to testify before you today. My name is Scott Gudes. I serve as the Vice President for Government Affairs for the American Sportfishing Association (ASA). ASA is the U.S. sportfishing industry's trade association. The association is made up of over 800 companies that manufacture and sell fishing tackle (rods, reels, terminal tackle, electronics, etc.), and related apparel and gear, as well as sportsmen and conservation groups, state fishery representatives, and the sportfishing media. Our membership includes a number of businesses, and conservation groups in Pacific Coast states that depend on healthy runs of Pacific salmon.

The perspectives I provide to you today are shared by Golden Gate Salmon Association (GGSA) and the Pacific Coast Federation of Fishermen's Associations (PCFFA). PCFFA is composed of West Coast commercial fishing interests, while GGSA consists of California recreational and commercial fishing interests, as well as other members of the salmon fishing industry. My testimony today will focus on issues related to salmon runs, as well as the recreational and commercial fisheries, jobs and communities that depend on these remarkable fish. This is an issue on which recreational and commercial fishermen and businesses share common ground.

BACKGROUND

The construction and operation of Federal dams on western rivers, such as the Sacramento, San Joaquin, Columbia and many others, have resulted in severe impacts to salmon runs, and consequently recreational and commercial fishing, fishing

jobs, and the communities that rely on these salmon runs. In California's Central Valley—a watershed that I will return to in my testimony—dam construction has resulted in the loss of more than 90 percent of historical spawning habitat. In addition, the resulting alteration in water flow has contributed to the elimination of 98 percent of Central Valley riparian and floodplain habitat.[1] This loss of spawning and rearing habitat, and needed flows, have played a dramatic role in the decline of salmon, including the Endangered Species Act listing of Central Valley winter and spring run Chinook salmon and have resulted in a great deal of harm to commercial and recreational fishing.

For example, because of the impacts of water projects, in combination with a drought, California's salmon fishing industry was entirely shut down from 2008 to 2009. Simply put, for these 2 years, it was illegal to catch salmon in California. Because the Sacramento River is the most important salmon run south of the Columbia River, this decline led to dramatic impacts in dozens of California ports, and additional impacts in Oregon, and Washington, where significant numbers of Sacramento River fish are caught.

In addition to leading to restrictions on an historic fishery that is highly valued by the public, the decline of salmon represents an economic tragedy. Before the 2008–2009 closure, in California alone, the salmon fishery supported an economy worth $1.5 billion annually and 23,000 jobs. If California salmon runs were restored to historic levels, estimates are that these numbers would rise to $5.7 billion annually and 94,000 jobs.

Unfortunately, in the past several years, because of water management impacts and exacerbated by a long drought, salmon numbers have declined again with significant impacts on fishing seasons and harvest for the commercial and recreational and commercial fishing industries.

The recreational and commercial ocean fishery is highly regulated, to ensure that an adequate number of adult salmon return to spawn every year. Salmon are anadromous, and spend their early lives in fresh water and then much of their life span in the ocean. As a result, the key to restoring a thriving California and West Coast salmon fishery is how we manage and restore California's Central Valley rivers.

Pacific salmon represent one of the most iconic and historic recreational and commercial fisheries in the Nation. Their wild Atlantic salmon cousins have largely vanished in the United States due to river obstructions, pollution and habitat degradation. To ensure that Pacific salmon stocks remain viable and don't follow the history of Atlantic salmon, great care should be taken to restore salmon habitat and ensure that water management actions in the Central Valley—and elsewhere—do not worsen conditions.

CONCERNS REGARDING H.R. 4419

While we appreciate the bill's intentions to increase water availability, ASA and our partners in the region have several concerns regarding H.R. 4419.

First, Section 8 would authorize a proposed raise of Shasta Dam on California's Sacramento River. This proposed project was analyzed in a draft U.S. Fish and Wildlife Coordination Act report dated November 24, 2014. This document states that the preferred alternative "will result in additional losses of salmonid rearing and riparian habitat." It then analyzes several serious impacts on salmon that could result from the proposed dam raise, including: reduced juvenile rearing capacity, reduce access to juvenile habitat in floodplains and flood bypasses, degraded riparian habitat, degraded habitat in the Sacramento-San Joaquin Delta, and decreased flushing flows that allow juvenile salmon to pass safely downstream, through the Delta and to the ocean. The Service concluded that it "is unable to support the adoption of any of the proposed action alternatives."

In addition, California law prohibits the issuance of any state permits for a Shasta Dam raise. This, from our perspective, is appropriate, given the potential impacts on salmon. As a result, ASA, GGSA and PCFFA do not support a Federal authorization to raise Shasta Dam. Indeed, the final feasibility report for the proposed Shasta Raise concluded that the Secretary of the Interior could not provide a recommendation to proceed with the proposed Shasta Dam raise.[2]

It is important to note that one of the objectives of the proposed Shasta raise is to increase the survival of anadromous fish. Clearly, this project would fail to achieve that objective. However, without thorough analysis of this project, the

[1] http://www.westcoast.fisheries.noaa.gov/publications/recovery_planning/salmon_steelhead/domains/california_central_valley/cv_chin_stlhd_r_plan_fs_071614.pdf.

[2] https://www.usbr.gov/mp/slwri/ (Page 9–1).

potential impacts identified by the Fish and Wildlife Service might have been overlooked. This brings me to our next concern.

Second, the bill would limit the analysis and review of new proposed surface storage projects. Future environmental reviews and feasibility studies would be limited by a schedule, such as a 3-year deadline and a $3 million cap on Federal cost for feasibility studies.

Surface storage projects can cost billions of dollars and can result in many complex impacts. Salmon fishermen experience these impacts every year. We believe that, in many cases, such deadlines and a cap on costs may well result in inadequate and incomplete analyses—and further harm to salmon and the fishing industry.

Third, Section 5(g) would give the Secretary of the Interior the authority to issue a list of all data needed to carry out the environmental review process for new surface storage projects. As a result, this provision would give the Secretary of the Interior the authority to limit the data used by another Department or agency in evaluating a proposed storage project. In the case of salmon, much of the Federal expertise lies in the National Marine Fisheries Service, commonly referred to as "NOAA Fisheries." NOAA plays the lead or a key role in the management of harvest, habitat restoration, review of hydro projects, and salmon hatcheries. It is the agency that provides much of the government's science, including ocean conditions and trends, in support of salmon management. NOAA, through congressional appropriations, provides funding to support Fishery Management Council science and staffing.

We believe that NOAA Fisheries also should be allowed to determine the data that are most appropriate for inclusion in its review of proposed projects that could determine the survival and health of Pacific salmon.

CONCLUSION

The health and sustainability of Pacific salmon are extremely important to both the West Coast recreational and commercial fishing industries, and the local communities and people that depend on them. The availability of adequate flows of cold fresh water, especially at key points in the salmonid life cycle—is critically important. It is certainly true that the construction of large dams has slowed significantly in recent decades. However, ASA, GGSA and PCFFA believe that the reason for this trend is not the environmental review process. Rather, we believe that it results from many factors including: the number of existing dams; the lack of available additional water; the shortage of promising new dam sites; the high cost of proposed surface storage projects; the difficulty of raising local cost share contributions; and the rise of alternative water management strategies, ranging from groundwater storage and floodplain restoration to water use efficiency and water recycling. We hope the Subcommittee will focus attention on these win-win strategies that can benefit salmon, generate new water supplies and reduce flood risk.

Again, thank you for this opportunity to testify today.

QUESTION SUBMITTED FOR THE RECORD BY REP. HUFFMAN TO MR. SCOTT GUDES, AMERICAN SPORTFISHING ASSOCIATION

Question 1. Can the Klamath River's Iron Gate Hatchery continue operating if Iron Gate Dam is removed?

Answer. Thank you for your question.

Congressman Huffman, in a previous answer during my testimony, I noted that the production and survival of hatchery salmon is extremely important to both the sport and commercial fishing industries in California and the Northwest. Hatcheries are one way to help provide some mitigation or relief from the impacts of dams. The Iron Gate hatchery has been helpful to salmon runs on the Klamath River watershed in Northern California and Oregon. As you know, the Iron Gate Dam is scheduled to be removed as part of the Klamath River hydroelectric settlement agreement, which will restore water and access to habitat for salmon.

The short answer to your question is "yes." My understanding is that this settlement agreement provides for the continued operation of the hatchery. PacificCorp agreed to fund 100 percent of hatchery operations and maintenance necessary to fulfill annual mitigation objectives developed by the California Department of Fish and Wildlife in consultation with NOAA Fisheries. This includes funding the Iron Gate Hatchery facility.

Mr. LAMBORN. Thank you.

Mr. O'Toole, you are now recognized for 5 minutes.

STATEMENT OF PATRICK O'TOOLE, PRESIDENT, FAMILY FARM ALLIANCE, SAVERY, WYOMING

Mr. O'TOOLE. Thank you, Chairman Lamborn and Ranking Member Huffman. I can't tell you how much I appreciate the ability to visit with you all. If you would allow me, I would like to introduce my grandson, Seamus. Would you stand up?

Seamus is the sixth generation on our ranch that was established before there was a Colorado-Wyoming line in 1881. Our river, the Little Snake River, goes across the state line 12 times, so we are integrated at the headwaters of the Colorado River with the state of Colorado and the state of Wyoming.

As you all might know, the governor of Wyoming began a process called "Ten in Ten" a few years ago, 10 reservoirs in 10 years. We are now at 13, and I can tell you from personal experience our valley, the Little Snake River Valley, was part of what was called the hit of dams in the West back in 1972. Two reservoirs, one in Colorado and one in Wyoming, 100,000 acre-feet, were supposed to be built.

So, here we are, how many years later? We have built 25 percent of that 100,000 acres, and it was a spectacular benefit to our community. Unfortunately, it took 14 years to permit.

I was on the select water committee in the state of Wyoming at the time. I will tell you that I personally attended many of the hearings and the process to go through, and it was a double, multicircle firing squad, where we went from agency to agency to agency. And Seamus and I came out here because we think this is about as important a thing for the West as could possibly happen.

Storage in today's world—the last 2 years on our ranch we had 125 percent snowpacks. At the end of the summer, we did not have the flows that we should have had. We are seeing incredible storms in some places. In California this year, if we had had the Sites Reservoir, we could have gathered all that water that came in those incredible storms.

What we need is a process so that we can begin to get these things permitted under the Federal process.

On our ranch, Seamus' job—we have six grandkids, everybody is taking on different responsibilities—he will begin this summer to learn to be a fishing guide, because we think that is going to be part of our future. But it is only going to happen if we have storage. And what happened at the end of the 14 years that I participated in was we built half of the reservoir that the demand existed for.

Not only do we have to have a facilitated system, we have to have a system that plans for the future, because right now the system is we will give you what is permitted on that day. Well, we learn, if we are looking proactively and spending state money particularly, like we are doing in Wyoming, you have to plan for what is going to be there when the dam is built.

So, we did 14 years of permitting, 2 years of construction, and for the lower valley it was a tremendous benefit. We are now looking at another higher reservoir in our valley.

I also serve on what is called the Yampa roundtable. In Colorado, Governor Hickenlooper put together roundtables for all the river basins. The Little Snake River that I live on goes into the Yampa, the Yampa to the Green, the Green to the Colorado. On the Yampa roundtable, I attended a meeting of the consultants that had been hired to look at the Yampa Basin. Every single drainage in the watershed is looking at a storage project, because we all know what is coming.

So, part of it is, what you have done here is give some opportunity and some optimism to people that were going to be able to do storage. People were discouraged because of the process that I went through. They didn't go forward, the states didn't go forward with what they knew was the right thing to do, so they will lose 30 years, maybe.

In California, I visited the San Luis Reservoir Bureau of Rec office, where they had a 50-year plan for California. It was not done. The population went from 19 million to almost 40 million in that 50-year period.

So, what we are looking at is how do we plan for the future, and the genius of these attempts to make that process work better. I can tell you that NEPA, the process of going through it, is not going to be sidelined. I have done many, many collaborative processes in my career. What you have is what some people have always wanted, to have everybody a participant. That is what is happening. You are not going to do a process without every participant being involved in it. That has been my experience, and that is exactly what happens.

As President of the Family Farm Alliance, I will tell you that in talks I am giving we are dismantling one of the greatest achievements of western civilization, and that is the American agricultural system. We are slowly dismantling that system because we are taking the water away, we are taking the land away, and we are discouraging the next generation from being farmers and ranchers.

This is one of the most optimistic opportunities I have seen in a long time, and thank you for your participation in it.

[The prepared statement of Mr. O'Toole follows:]

PREPARED STATEMENT OF PATRICK O'TOOLE, PRESIDENT, FAMILY FARM ALLIANCE

Chairman Lamborn, Ranking Member Huffman and members of the Subcommittee, thank you for the opportunity to appear before you to discuss H.R. 4419, the "Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act." This legislation provides a critical first step toward addressing current regulatory and bureaucratic challenges that many times will delay or even halt the development of new water supply enhancement projects in the western United States. My name is Patrick O'Toole, and I serve as the President of the Family Farm Alliance. The Alliance advocates for family farmers, ranchers, irrigation districts, and allied industries in 17 western states. The Alliance is focused on one mission—To ensure the availability of reliable, affordable irrigation water supplies to western farmers and ranchers.

The Family Farm Alliance supports "The Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act" and encourages the Subcommittee to move the legislation forward to enactment.

PERSONAL BACKGROUND AND EXPERIENCE WITH WATER DEVELOPMENT

I have served on the Family Farm Alliance's Board of Directors since 1998 and was named as the organization's president in 2005. I am also a former member of Wyoming's House of Representatives. I presently serve on the Advisory Committee

for AGree, a national agricultural policy group, and work closely with the Intermountain Waterfowl Joint Venture and Partners for Conservation.

My family has a strong background in irrigated agriculture and our 125-year-old ranch—located near Savery, Wyoming—produces cattle, sheep and hay. My family and Ladder Ranch were the recipients of the distinguished 2014 Wyoming Leopold Environmental Stewardship Award.

Our ranch straddles the Wyoming-Colorado border and has long afforded me the opportunity to view some unique water issues, firsthand. I have testified before this Subcommittee several times, and have previously highlighted the permitting challenges I have encountered in building the Little Snake Supplemental Irrigation Supply Project (High Savery Project) in Wyoming. That project was built in less than 2 years, but took more than 14 years to permit. However, that reservoir is now delivering water that benefits multiple uses.

IMPORTANCE OF STORAGE PROJECTS TO WESTERN IRRIGATED AGRICULTURE

The drought of the past few years, and the flooding earlier this year in some areas of the West has illustrated the importance of planning for the construction of new storage projects in water management plans. A reasonable storage development regime would help farmers and agriculture obtain necessary supplies and improve management of the available resource. Agricultural water is seen by some as a "reservoir" to eventually satisfy demands from other competing uses, including municipal growth and the environment. In many places in the West, agricultural water is not being protected for future agricultural uses. It is essential to be producing more food, not less, for a world population projected to be more than 10 billion people by the year 2050. Increased food production will need more certainty in future water supplies, not less.

Irrigated agriculture not only provides a $172 billion annual boost to our economy, it also provides important habitat for western waterfowl and other wildlife, and its open spaces are treasured by citizens throughout the West. Family Farm Alliance members rely on the traditional water and power infrastructure built over the last century to deliver irrigation water supplies vital to their farming operations. Our membership has been advocating for new investments in water storage for over 20 years, and we have provided specific recommendations to Congress and the White House on how to streamline restrictive Federal regulations to help turn these projects into a reality. While water conservation and water transfers are important tools for improving management of increasingly scarce water resources, our members believe these demand-management actions must be balanced with supply enhancement measures that provide the proper mix of long-term solutions for the varying specific circumstances in the West.

OTHER IMPORTANT REASONS FOR WATER SUPPLY ENHANCEMENT

Regardless of cause, climate variability is one critical factor that underscores the need to develop new water storage projects in the western United States. There are several reports that suggest existing reservoirs will not be capable of safely accepting the earlier, more intense snowmelt that has been predicted for many western watersheds. A report released in 2006 by the state of California predicted that variable hydrologic cycles could result in a drastic drop in the state's drinking and farm water supplies, as well as more frequent winter flooding. The report suggested that the state may experience a smaller snowpack and more wintertime runoff. This means more floodwaters to manage in winter, followed by less springtime snowmelt to provide crucial water supplies for cities, agriculture and the environment. Water resources experts in other parts of the West also realize that new surface water storage projects may be necessary to capture more snowmelt or rainfall under such conditions.

Some western water managers believe there may likely be a "rush" to re-operate existing multi-purpose water storage projects to restore some of the lost flood protection resulting from the changed hydrology. These projects were designed to provide a certain level of flood protection benefits that will be reduced because of more "rain-induced flood" events. There will be a call to reduce carryover storage and to operate the reservoirs with more flood control space and less storage space. If this is done, it will even further reduce the availability and reliability of agricultural and urban water supplies from existing water supply infrastructure.

Further, many water users are located upstream of existing reservoirs. These users must then rely on direct or natural flows that typically have been primarily fueled by springtime snowmelt. In the Rocky Mountain West, snowmelt traditionally occurs over several months during the onset of the irrigation season (usually April through June), and thus the snowpack is an important component of water storage.

Since irrigation water conveyance systems are never 100 percent efficient, water is diverted, conveyed and spread on the land in excess of the net irrigation demand. This surplus returns to the stream and recharges groundwater aquifers, which augments water supplies for all users located downstream from the original diversion. It also supports valuable habitat used by migrating waterfowl. If more runoff were to occur during winter before the onset of the irrigation season, this would impact water supply availability to these producers by decreasing the storage capacity usually provided by the tempered melting of the snowpack. It would also impact the utility associated with the return flows from their irrigation practices. As the snowpack is reduced by early melting, this reduced storage capacity must be replaced by new surface water storage just to stay on par with our currently available water supplies.

There is growing recognition among policy makers that water supply enhancement projects must be included in the tool box used to tackle western water challenges. In addition to the water project bills that are moving in this Congress, states like California and Wyoming are dedicating millions of dollars to the development of new water storage projects. My home state of Wyoming has at least 10 small water storage facilities that the state wants to complete as soon as possible. These projects are sponsored by local entities, support local beneficial uses, and provide flexibility for future uses of stored water. The goal of Wyoming's "Ten in Ten" initiative is the completion of a minimum of 10 small (2,000 to 20,000 acre-feet) reservoirs in the next 10 years. All projects will move through the processes developed by the Legislature, the Select Water Committee and Wyoming Water Development Commission. This initiative provides executive support and agency planning for all appropriate actions to accelerate the completion of projects.

The call for more water storage only makes sense when one considers the paradigm shift of more conservative water operations coupled with the added water supplies necessary to meet demands for water that, in many basins in the West, have simply outgrown the existing supply. In 2015, the Alliance released a report that provides detailed answers to 20 frequently asked questions about new water storage projects. I would be happy to provide hard copies of this report to the Subcommittee, or, a PDF version can be downloaded at www.familyfarmalliance.org.

CHALLENGES WITH DEVELOPING NEW WATER PROJECTS

As you are all aware, actually developing new storage projects is much easier said than done. For many reasons—political, economic and social—the construction of traditional surface water storage projects is undertaken on a much more limited basis than in decades past. Even if Federal authorization and funding is secured for a new storage project, the existing procedures for developing additional water supplies can make project approval incredibly burdensome.

Clearly, the existing procedures for developing additional water supplies need to be refined to make project approval less burdensome. By the time project applicants approach Federal agencies for permits to construct multi-million-dollar projects they have already invested extensive financial resources toward analyzing project alternatives to determine which project is best suited to their budgetary constraints. However, current procedure dictates that Federal agencies formulate another list of project alternatives which the applicant must assess, comparing potential impacts with the preferred alternative. Some of these alternatives may often conflict with state law or are simply not implementable in the first place; yet valuable resources are required to be expended to further study these additional alternatives in the Federal permitting process. In fact, we believe sometimes this process is used as a barrier to the planning, design and construction of new water storage projects. We appreciate that this Subcommittee had explored opportunities and introduced legislation to improve the accountability of this process and reduce the costs to the project applicant.

OVERVIEW OF H.R. 4419

Not long ago, some were predicting that no new surface water storage would be built in this country. Those predictions now may not come to pass. Senator John Barrasso and Representative Tom McClintock have proposed bills to facilitate permitting of new water storage projects, and now Representative Newhouse has offered up H.R. 4419, a variation of H.R. 875; legislation which was introduced earlier in this Congress, with Family Farm Alliance support.

The Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act requires the Bureau of Reclamation (Reclamation) and Bureau of Indian Affairs (BIA) to accelerate studies and provide more accountability in the agency's process to study the feasibility of new and or expanded surface water storage. The

legislation would provide the same streamlined water project development process for Reclamation surface water storage projects that the Water Resources Reform and Development Act of 2014 gave to the U.S. Army Corps of Engineers. That latter law was passed in both the House and Senate on a bipartisan basis and was signed into law by President Obama. The goal of H.R. 4419 is to reform the current cumbersome, lengthy process so that there is a mechanism to build new surface water storage projects in the West. Major provisions of the bill:

Section 3 requires future feasibility studies for Reclamation or BIA projects to be completed with 3 years after the date of initiation and have a maximum Federal cost of $3 million. The Section provides for a maximum 7-year extension of that time and cost if the Interior Secretary provides a detailed justification to the non-Federal project sponsor and the Congress.

Section 4 requires the Interior Secretary to expedite the completion of any ongoing feasibility studies initiated before the date of enactment. If the Secretary determines that the project is justified in a completed report, he/she shall proceed to proceed to pre-construction planning, engineering and design of the project.

Section 5 directs the Interior Secretary to develop and implement a coordinated environmental review process with Reclamation and the non-Federal project sponsor as lead agencies for expedited environmental review of a project. The Section further directs the lead agencies to establish a schedule for completion of a study and lays out financial penalties to the Interior Secretary if timelines are not met.

Section 6 directs the Interior Secretary to develop and submit a report to the relevant committees in Congress that identifies project reports, proposed projects and proposed modifications to studies and Federal and non-Federal cost estimates for all three.

Section 7 identifies various sections of the WIIN Act (P.L. 114–322) that are excluded from the process established in this bill.

Section 8 contains a list of projects that the Secretary has identified are authorized to be carried out in accordance with this section. This is similar to the feasibility studies listed in Section 7002 of P.L. 113–121, which authorized construction of projects by Congress. Two of these projects—the Yakima River Basin Enhancement Project (WASHINGTON) and the Shasta Lake Water Resources Investigation (CALIFORNIA) have long been championed by our organization.

Section 9 establishes a process to offset the Federal costs of projects listed in Section 8.

The Act would insert stronger accountability into Reclamation's surface storage study process, enhance transparency associated with interim and final storage project studies and engage local stakeholders. All of these actions would improve the status quo, in our view.

SUGGESTIONS TO IMPROVE THE LEGISLATION

We do have some very minor, specific suggestions that we believe would improve the current bill, as discussed in the following sections.

1. Additional Transparency

We have consistently advocated for provisions in bills of this sort that require the Secretary of the Interior to submit to the appropriate congressional committees an estimate, to the extent practicable, of the Federal, non-Federal and total costs of proposed projects and a recommendation of the level of funding required in each fiscal year to complete the project on the most expedited basis. Anything that would encourage Reclamation to address the cost issues would be very helpful in moving these projects forward and determining Reclamation's capacity to execute on favorable reports. It appears that Section 9 of the bill provides a mechanism to ensure accountability and transparency. However, we have questions about this section, and we'll continue to talk to Reclamation and committee staff about our concerns, and urge that those parties continue to work with each other on moving forward.

2. Ability to "opt-out"

This bill should also provide an "opt-out" provision that would allow local project sponsors to proceed on a project implementation path that has historically provided successful outcomes with another Federal agency in the lead role. Meeting the challenge of expanding and modernizing the West's aging water infrastructure will require highly qualified professionals serving in both the public and private sectors. Very rarely are there "one-size-fits-all" templates that apply to management of western water resources challenges.

In many cases, local water agencies have long-time relationships with local and regional Reclamation engineers and managers that have led to successfully completed projects. Reclamation staff members from regional and area offices can play a key role in helping to find the right path to make multi-agency processes and projects work. There are other models in the West where successful projects have been completed with Reclamation functioning as the lead agency. In other cases, local entities have developed close working relationships with other Federal water agencies such as the Army Corps of Engineers. In these cases, local entities should be able to continue to work with the Federal agency they successfully worked with in the past for projects of this nature.

To cover this range of possibilities, including an "opt-out" amendment in the proposed bill provides flexibility for local project sponsors to either (1) engage with Reclamation in the facilitated permitting process articulated in this bill; or (2) opt-out, and proceed on a project implementation path that has historically provided successful outcomes with another Federal agency such as the Army Corps in the lead role.

CONCLUSION

The Family Farm Alliance supports H.R. 4419 and looks forward to continuing to work with this Committee, the Congress and other interested parties to build a consensus for improving the Federal regulatory and permitting process for new water projects. A major reason the Alliance continues to push for improved and expanded water storage and conveyance infrastructure is not to support continued expansion of agricultural water demand (which is not currently happening in most places), but to help mitigate for the water that has been reallocated away from agriculture toward growing urban, power, environmental and recreational demands in recent decades. If we don't find a way to restore water supply reliability for western irrigated agriculture through a combination of new infrastructure, other supply enhancement efforts and demand management—our country's ability to feed and clothe itself and the world will be jeopardized.

This bill takes an important step toward addressing potential barriers to allowing the Federal Government to again be a partner with local and state entities in addressing these important water supply issues.

Thank you again for this opportunity to testify before the Subcommittee, and I stand ready to answer any questions you may have.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. JODY HICE TO PATRICK O'TOOLE, PRESIDENT, FAMILY FARM ALLIANCE

Mr. O'Toole did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Question 1. Mr. O'Toole, can you describe the economic and jobs impacts out West if the Bureau of Reclamation is not endowed with a similar process to bring aging water infrastructure into the 21st century? (Loss of agriculture jobs, dam operators, any industry depending on a reliable water supply . . .)

Question 2. Mr. O'Toole, I am concerned when I hear from my colleagues out West that shovel-ready projects are stalled by seemingly endless studies. As you testified, Mr. O'Toole, (. . . sometimes [the existing] process is used as a barrier to the planning, design and construction of new water storage projects." We've seen in Georgia, how delays in construction can increase project costs exponentially. Are the provisions in the bill that streamline the feasibility study process necessary, or is the ability simply to authorize new projects sufficient? (Streamlining provisions allow us to make feasible projects a reality . . .)

Question 3. Mr. O'Toole, H.R. 4419 would certainly increase water supply for human needs as we can begin fixing our degrading water infrastructure. Do also you see broader environmental benefits to this increased water supply? (Yes, more water is good for people and species . . .)

Mr. LAMBORN. Thank you for being here, both to you and to your grandson. And thank you all for your testimony.

At this point, we will begin our questions for witnesses. To allow all of our Members to participate, and to ensure that we can hear from all of our witnesses today, under Committee Rule 3(d), Members are limited to 5 minutes for their questions.

I now recognize myself for 5 minutes. First, a statement, and then I am going to ask something of Mr. O'Toole.

One of the things we hear over and over again in this Subcommittee is that regulatory hurdles are negatively impacting our Nation's infrastructure. In June, the House passed H.R. 1873, sponsored by our member Mr. LaMalfa—with 300 votes in affirmative, I must add—in order to address delays associated with Federal agency approvals for the removal of dangerous trees on Federal lands that can and have fallen on electricity transmission lines and cause wildfires and blackouts.

We also hear stories about water users wishing to replace eroding concrete from a canal, but cannot because the concrete's age brings it under the scope of the National Historic Preservation Act.

Today, we are talking about regulatory hurdles associated with never-ending studies and environmental reviews that are stifling the construction of new water projects.

Mr. O'Toole, what is the effect of the current feasibility study process for potential future water projects?

Mr. O'TOOLE. Mr. Chairman, in my experience, it was that process that became so untenable that kept people from going forward, and it will continue to.

When you think of it from the state's perspective—and in Wyoming we have this philosophy that came in the 1980s that said non-renewables will fund renewables, so taxes on oil, gas, coal, uranium funded the water development fund that we are using. In Colorado, they have a different technique. But every year that you don't do a project, you add 10 or 15 percent to the cost of that project.

So, it is so important that we have an assurance that the projects are going to go forward, and people will spend the money to do them, because what we know is we are losing that ability to regulate our greatest resource of water.

Mr. LAMBORN. OK, thank you.

Mr. Mikkelsen, in your testimony you identify a number of steps that the Administration and your department are taking in order to spur infrastructure development. Can you please explain some of the steps your agency is taking to tackle some of the inefficiencies in getting new water projects built, and how this bill could help further those efforts?

Mr. MIKKELSEN. Thank you, Mr. Chairman. Under Secretarial Order 3355, as noted, we are in the process of limiting the small projects to a 150 page document, and the larger projects to 300 page documents with 1-year timelines. We are also in the process of evaluating other options and opportunities that we have within our internal processes to speed that up.

We are making sure that our notices of intent reflect the Secretarial Order. And I would note, simply as an example of personal past experience, where we engaged in an EIS for a period of about 5 or 6 years, and to the tune of about 800 or 900 pages. Finally, the contractor came to us and said, "We really can't figure

out how to continue to make this into an EIS. It would be a lot better if we actually did an EA and issued a FONSI." That took another year and a half, so I will offer that up as an example.

Mr. LAMBORN. Thank you.

Mr. Eberhart, those who oppose new surface storage projects claim that storage will adversely affect the environment. Can water storage be beneficial to the environment?

Mr. EBERHART. Thank you, Mr. Chairman. What we have found in the Yakima Basin is that we are dependent on snowpack to have a consistent supply of water for agriculture, fish, and wildlife.

We had a year in 2015 when we had normal precipitation in the winter, and it came as rain, it did not come as snow. What we have found in our collaborative process in the Yakima is that we are going to have to build new surface storage. Not only does it provide the certainty for agriculture supplies, municipal supplies, industrial supplies, but we are building storage, surface storage, for fish and for wildlife.

In order to make up for that lack of snowpack, we have found ways and places that we can build reservoirs that actually provide the supply and make it available to do what that snowpack would have been doing, historically, but is becoming less frequent for us now.

So, yes, storage for fish, that is what we are building.

Mr. LAMBORN. I appreciate that. I now recognize the gentleman from California, Mr. Huffman, for his questions.

Mr. HUFFMAN. Thank you, Mr. Chairman, and thanks to all the witnesses.

Mr. O'Toole, I think your grandson is such a good-looking young man, I am not going to ask you any hard questions. How is that?

But you did hit upon the issue of collaboration, and that does get me thinking a little bit. I do want to ask some of the witnesses about that, because part of this bill on streamlining for new surface storage projects is controversial and has been conjoined with the Yakima bill that Senator Cantwell has worked on for many, many years.

Mr. Mikkelsen, I would like to start with you. I know that that is probably the kind of multi-stakeholder collaborative problem-solving that you like to see. I know it did not include everyone in the environmental and fishing community. There were divisions, but it included some groups that came along, made compromises, worked with tribes and water users and others. And over a long period of time, through a very difficult process, they came to a consensus that was then going to be taken to Congress. Senator Cantwell has worked hard to introduce that bill in the Senate.

And here we are. I assume that is the kind of collaboration you like to see in the water world.

Mr. MIKKELSEN. Yes, sir. That is the kind of collaboration that I have tried to promote during my career.

Mr. HUFFMAN. And Mr. Eberhart, I assume you too think that is the way to go.

Mr. EBERHART. Yes, the collaborative process is how we are going to successfully solve water problems, not only in the Yakima, but in the Columbia River system and other places.

Mr. HUFFMAN. We want more of that hard work. It is not easy.

So, here is my question. When that difficult consensus has come together over such a long period of time—and Senator Cantwell has brought it along so carefully—and then it is hijacked and conjoined with a very controversial bill that many of those groups that were part of the collaboration are forced to oppose, what does that do to collaboration on difficult water projects?

Mr. Mikkelsen, do you think this is a good thing for those who made those painful compromises, and for others who would consider getting involved in these difficult collaborations? Do you think this is the way to go?

Mr. MIKKELSEN. I don't believe that this should in any way lessen collaboration. I think it may actually encourage collaboration going forward, in that the parties will understand that there are time limits that they need to really sit down and talk these things through.

Mr. HUFFMAN. Watching their bill get conjoined with a bill that—for example, I see fishing groups that supported the Yakima deal, but are now forced to oppose this bill. Do you think that watching their bill, Senator Cantwell's bill, get hijacked to this other thing that they oppose, that that will encourage collaboration? Seriously?

Mr. MIKKELSEN. It has been my experience in conflict resolution that a little bit of, frankly, deadline or pressure can always help the parties.

Mr. HUFFMAN. This was not a deadline that any of them could control. The reason Senator Cantwell's bill has not passed has nothing to do with their good collaboration. In fact, I guess I would just close on this point.

Mr. Eberhart, wouldn't it be better if the Yakima bill were before this Subcommittee as a stand-alone, so that that entire consensus, all those stakeholders that worked through the process, could be here together, shoulder to shoulder, telling us what a good bill it is, instead of some of them opposing it?

Mr. EBERHART. Thank you, Mr. Huffman. Our committee appreciates the fact that Congressman Newhouse and Congressman Reichert have worked so hard to find a vehicle for us, for the Yakima to be——

Mr. HUFFMAN. Well, that is the best euphemism I have seen.

Mr. EBERHART. We look forward to working with the Committee to get it acceptable.

Mr. HUFFMAN. Very diplomatically stated. I applaud it. But I suspect you would prefer this bill as a stand-alone, as well. And, unfortunately, it is here in a very different form, against the wishes of Senator Cantwell, who I have spoken to, and who I know is disappointed to see it proceed down this path.

Mr. Gudes, the groups you represent were divided to some degree, I think, on the Yakima deal. Do you think this is a good thing for collaborative problem solving, or a bad thing?

Mr. GUDES. In terms of the environmental streamlining, or——

Mr. HUFFMAN. Taking a fragile consensus and conjoining it with a bill that many of your groups oppose. Is that going to promote more collaboration or less?

Mr. GUDES. I am sure it depends where our people sit on the issue. But I do think it is congressional decision, it is the Congress'

decision about items. But I am sure that our members up in Washington would prefer that it be a separate issue, sure.

Mr. HUFFMAN. I just have a few seconds. As we contemplate lowering environmental standards for new dam projects, are there lessons from the 20th century dams that were built without any environmental review that should inform how we approach this?

Mr. GUDES. Yes, I think that looking back at all the water projects in the United States—and there have been a lot of positive outcomes from them—one of the things that has not been positive is the effect on fisheries. And had there been an ability, a NEPA-type ability, long before 1970, there would have been a better voice for those communities, whether for Native Americans or for sport fishermen or commercial fishermen.

Mr. HUFFMAN. Thank you.

Thank you, Mr. Chairman, for your indulgence.

Mr. LAMBORN. I now recognize Representative McClintock.

Mr. MCCLINTOCK. Thank you.

Mr. Gudes, what is your organization's position on salmon hatcheries? Do you think we need more of them, or not?

Mr. GUDES. I would say most of our members are pretty supportive of hatcheries in most locations I know of. In fact, we recently thanked the Department of the Interior appropriations bill for restoring funding for hatcheries, all sorts of hatcheries.

Mr. MCCLINTOCK. Good point. I know Mr. LaMalfa, since this is now in his district, is going to be asking about the Klamath Dams.

But the Iron Gate Dam supports the Iron Gate fish hatchery. They want to tear it down because of a "catastrophic decline" in salmon in the river there. Interestingly, though, the Iron Gate hatchery produces 5 million salmon smolts a year. Seventeen thousand return annually as fully grown adults to spawn. When that dam is removed, the fish hatchery ceases to function and we have a catastrophic decline in salmon. Is that a problem for your folks?

Mr. GUDES. I am, frankly, not familiar with the specifics of it. It may not be appropriate for me to ask you a question, but I don't know why the hatchery would have to disappear.

Mr. MCCLINTOCK. Because of the cold water that the dam retains.

Mr. GUDES. Well, our position probably would be that there should be mitigation of additional hatchery fish put into other hatcheries in California.

Mr. MCCLINTOCK. Or maybe just leave the hatchery and the dam that supports it alone.

Mr. Mikkelsen, how much do environmental studies add to the cost of an average water project? Have you seen any studies on that subject?

Mr. MIKKELSEN. I am sorry, sir, could you repeat that question?

Mr. MCCLINTOCK. How much do environmental studies add to the cost of an average water project?

Mr. MIKKELSEN. That is totally dependent on the complexity of the project. For instance, one of the examples, or the example that I used just a few minutes ago, we spent maybe somewhere between, it has been a while, but $3 and $5 million to conduct an EIS that was ultimately turned into an EA.

Mr. MCCLINTOCK. Right. I heard that testimony. The example I use is in my district, it is the Sugar Pine Reservoir that serves the little community of Foresthill, built with an 18-foot spillway, but no spillway gate. They did not need the extra water at the time; they do now.

A spillway gate is going to cost them $2 million. But then they have to add at least $1 million of environmental studies, at least $2 million for environmental mitigation, and God knows how many years in studies. Is that typical of the hurdles that water projects now have to go through?

Mr. MIKKELSEN. I would say that it is not atypical, because we have situations where the studies are actually costing more than the project.

Mr. MCCLINTOCK. What do you suspect the West is going to look like in 20 years if no new water projects are built or expanded?

Mr. MIKKELSEN. I am sorry, but I am having a hard time hearing you.

Mr. MCCLINTOCK. What is the West going to look like in 20 years, if we don't start building new water storage facilities again?

Mr. MIKKELSEN. Thank you for that question, Congressman. I would note, in spending a considerable amount of time in California this year, that while we support conservation and all kinds of conservation measures, conservation is not going to get California, in particular, to 50 million people. We need storage projects in California.

Mr. MCCLINTOCK. And are we going to have them under the current structure of law?

Mr. MIKKELSEN. We are engaged in doing feasibility studies, in particular at Sites, Temperance Flat, San Joaquin——

Mr. MCCLINTOCK. Yes, well, how long has Sites been studied?

Mr. MIKKELSEN. Oh, my goodness. We are probably going on 7 to 10 years right now.

Mr. MCCLINTOCK. And how about Temperance Flat?

Mr. MIKKELSEN. At least that long, and maybe 14 years, yes.

Mr. MCCLINTOCK. And isn't that the whole point?

Mr. MIKKELSEN. Yes.

Mr. MCCLINTOCK. Isn't that because the laws that we passed have now made the construction of new dams both cost-prohibitive and endlessly time consuming?

Mr. MIKKELSEN. Particularly endlessly time consuming.

Mr. MCCLINTOCK. And isn't this bill specifically designed to address these concerns?

Mr. MIKKELSEN. I would say that it would go a long way toward addressing that, along with the actions of the Administration, both from the President and the Secretary.

Mr. MCCLINTOCK. Thank you. I yield back.

Mr. LAMBORN. Representative Beyer.

Mr. BEYER. Thank you, Mr. Chairman. Thanks, all of you——

Mr. LAMBORN. Excuse me, do I have that in the right order? OK.

Mr. BEYER. OK, great. Thank you all for being with us.

Mr. O'Toole, thank you for bringing your grandson, thank you for, what is it, 140 years or something on the family ranch?

Mr. O'TOOLE. Pretty close.

Mr. BEYER. And I want to thank you, even though you are here testifying for this legislation, for acknowledging that climate change is at least a major part of why we have to be concerned about water. I think this is implicit in Congressman Newhouse's testimony and Mr. Eberhart's, also.

It is not up to you, but I plead with my friends on the Republican side here that if we can all acknowledge that climate change is real, perhaps we can work more closely together to find what it is really going to mean, and how we can best address it together, rather than pretending that it is not real. Because, in fact, this morning we were pretending that it was not real in this room. This afternoon we are trying to find constructive ways to provide you with the water that you need to ranch and to farm.

By the way, thanks also for running a family farm. We need many more family farms in America. And we should all be concerned about continuing to strengthen them in any way we can.

Mr. Mikkelsen, one of the things you wrote that was striking, and I am going to quote you. It says, "The cost of preparing environmental review documentation, surpassing the cost of a proposed project." I am going to ask our staff to formally request that you provide a written documentation for that. If that is true, that is damning, that somebody could actually spend more on our environmental document provision than the cost of the dam itself. But it sounds perhaps like an overstatement.

Mr. Gudes, what is wrong with the 3-year deadline and a $3 million cap? I know one of the things that frustrates everybody in business is how long it can take for the Federal Government to react for any given kind of project. Not just Federal Government, state and local, too. But we are talking Federal here.

So, why is 3 years too short, or why is $3 million too little?

Mr. GUDES. I think it would have the specifics to do with the project in question. If it is a large-scale project, it may be too artificially short, in terms of committees, different agencies, trying to bring in science or studies that go forward.

The provision that I think has changed in this bill is extending that short time frame to Bureau of Reclamation projects. Our view would be that those are water projects that affect fishing, and we don't know if every issue that our community would have would be covered within that time frame, or that cost cap.

Mr. BEYER. Mr. Mikkelsen, you are in charge of this. Is there any reason that you would take or should take more than 3 years, or more than $3 million to analyze a project?

Mr. MIKKELSEN. With the Secretarial Order that was issued by the Department of the Interior recently, by the Secretary, we believe that the vast majority of projects should come in actually under 3 years and under that dollar limit.

Mr. BEYER. Thank you.

Mr. O'Toole, you had written that current procedures dictate that Federal agencies formulate another list of project alternatives, which the applicant must assess, comparing potential impacts with the preferred alternative. Some of these may conflict with state law, or are not implementable in the first place.

Did you have personal experience with this?

Mr. O'TOOLE. Yes, sir. That is exactly what happened in the process.

Mr. BEYER. But can you tell us about it.

Mr. O'TOOLE. Well, let me tell you about the current one. We are looking at a small reservoir higher in the system that will help our entire system. In one agency, the Corps of Engineers, they said, "Oh, this is such an easy project, it could be an EA." Another agency that will be commenting said, "Shouldn't we be talking whether we have a dam or not?"

I mean that is the kind of inconsistency of approach from the different agencies that very much is my personal experience, and why this bill and this theory of going through the whole process, but not going through it over and over again, is so important.

Mr. BEYER. Interesting.

Mr. Gudes, clearly, different issues—salmon coming out of the California rivers, and trying to provide necessary water in Wyoming and Colorado. It has been pointed out a number of times that we gave the Army Corps of Engineers this expedited process a year or two ago, and now we are trying to extend it. What is your objection to extending it, if it seems to be working for the Army Corps?

Or did we vote wrong when we gave the Army Corps that ability?

Mr. GUDES. That point I made before is on water projects, as it affects salmon fisheries. It may be that within a specific instance, that the 3 years works, or the cost cap works. It may well be that it is not. These are much more complex projects, so we would be concerned.

I was sitting here, thinking about it—it is sort of like when somebody talks about tort reform. It sounds good, but if you are the person who cannot come into court with your case, it is not good.

Mr. BEYER. Very quickly, your reading was that the Secretary of the Interior would be able to limit the kind of data that could be used to make a determination?

Mr. GUDES. That is our people's reading, take the case of NOAA science, which is well over half the science having to do with salmon, that their science would not necessarily be permitted to be brought in. That is correct. That is our reading of it.

Mr. BEYER. Thank you very much.

Mr. Chair, I yield back.

Mr. LAMBORN. I recognize yet another Member from the great state of California, Representative LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman, and I thank the panelists for being here today, and also to Mr. Newhouse for sponsoring this legislation.

It will have great impact on future water storage projects, especially in my home state of California, which we are still in dire need of reliable surface storage for a growing population. And, having suffered a 5-year drought until very recently, we have seen what that looks like.

So, these projects would, obviously, give us stored water, low cost, renewable hydro-electric power, as these mandates for renewable power go up to 50 percent before too much longer, it seems. Very needed flood control, recreation, and as well as environmental

water, which our friends in the fishing industry would like to see available.

Again, we talked about Sites Reservoir quite a bit here today. It is very feasible. A particular biologist I was out on a trip with years ago said that if we cannot build it environmentally here, we cannot build one anywhere. So, it may have been studied for a few years recently, but it has been kicked around for several decades, and the threat of environmental law is what really impedes that. We have a bond in California that was passed, and the dollars are ready to go. We need to get the project rolling.

When we are talking about expediting the building of water infrastructure—I want to come back to Mr. Mikkelsen. And when we are talking about removing that infrastructure—again, a very, very important thing to me and my district—when we are talking about the Klamath Dams, Mr. Mikkelsen, I trust that you and Secretary Zinke agree that dam removal policy is not the policy of the Trump administration.

So, I would like to have—once again, you urged to withdraw Interior as a signatory of the Klamath Hydroelectric Settlement Agreement. The stated purpose of the agreement is dam removal, which requires signatories, including Interior and, thusly, the Federal Government to intervene on behalf of dam removal if the project is sued, which is very likely to happen, under Section 2.1 and 2.3 in the KHSA. This requirement can create a situation in which communities locally sued to protect water supplies or the interest, and yet the Federal Government will be required to fight against those communities.

So, I would like to ask. Has Interior considered leaving the agreement to make it clear that this Administration does not support dam removal as a policy. Mr. Mikkelsen?

Mr. MIKKELSEN. Thank you, Congressman, for raising that issue, and giving the complexity of the provisions of the bill before the Subcommittee today. I did not come prepared to provide a substantive response to other topics.

But for the record, the Department of the Interior has no action or decision process being considered in the Klamath Dam removal scenario. That action is being considered by the Federal Energy Regulatory Commission, and I would refer you to that agency, and also note that the 2016 amendments to the Klamath Hydro Settlement Act passed by Congress removed Department of the Interior from that dam removal process.

Mr. LAMALFA. You mentioned frequent visits to California. And we have noted that you have visited the area very frequently, in order to rally support for what has been termed the inevitable removal by yours and some of your representatives up there. And many of us think it is not inevitable yet. The science does not back that up.

I will leave it at that for today, but I would like to have that question answered, if you would get back to my office, please. Has Interior indeed considered leaving this agreement so that the Administration is not painted as being supportive of removing dams at a time when we are talking—and you are supporting, gladly so, I appreciate it—the expedition of building water storage

projects. I will leave it at that for now, sir, and I would appreciate an answer back.

Mr. Gudes, when I look at what the benefits are of water storage, Shasta Dam and Lake Oroville are both in my district, and you have approximately 7.5 million acre-feet capable of being stored in those two projects, which is a tremendous amount, and California having suffered 5 years of drought, do you not acknowledge that the benefits of those projects there making water available, especially the third, fourth, and fifth year, when a lot of fish, their life cycle is 3 years, that you would have the luxury of being able to have cold water, where you would not have that without that dam there? Aren't there positive benefits to these storage projects that you——

Mr. GUDES. There clearly are positive storage benefits. The issue is on balance. What has it been toward salmon life cycle and the number of salmon? In total, I stand by what I said before, that, in general, they have not been positive.

But you are right, cold water, especially at the right time that the different runs of salmon need it, having cold water is one thing. Having it put into rivers at the right time—for example, with the winter chinook—is what makes all the difference. That is correct.

If the dams were not there, would there be adequate water in the rivers for those runs? Yes. The habitat would have been better, there would be more salmon. But I agree there are other aspects to it, you are right.

Mr. LAMALFA. Not during the drought. I will yield back, Mr. Chairman.

Mr. LAMBORN. Thank you. I now recognize Delegate Sablan.

Mr. SABLAN. Thank you very much, Mr. Chairman, and good afternoon, everyone.

Mr. Mikkelsen, since the Reclamation Act of 1902 was signed into law, just between 1902 and 1907, that 5-year period, Reclamation began about 30 projects in western states, and subsequently projects like the Central Valley Project in California, Colorado, Big Thompson project in Colorado and the Columbian Basin project in Washington.

In those three projects, say one project, how much do you think it costs to do the study in U.S. money? I mean, if NEPA were to be presented.

[No response.]

Mr. SABLAN. Or let me more directly ask you this. If a project was being pursued, or was being developed, and if a study was being done for a new water project, and say the 3 years comes up, and say the cost of $3 million is reached. During the study, what happens? Is the project just approved, even though the study is not complete?

Mr. MIKKELSEN. In the Department of the Interior, under Secretarial Order 3355, the assistant secretaries have authority to waive requirements or issue waivers if they are necessary.

Mr. SABLAN. No, there is a requirement that all studies for new projects be completed within 3 years at a cost of no more than $3 million. So, if a study is taking 3 years and 2 months, or if it costs $3.1 million, does it stop at $3 million, or 3 years, even though it is not completed?

Mr. MIKKELSEN. I don't believe anybody's intention is to stop a project 1 month before its completion, or $100,000 before its completion, sir.

Mr. SABLAN. Yes, why do the study in the first place? It doesn't make sense. It is just what I am trying to tell myself. I am trying to make myself understand.

I yield my time to Mr. Huffman, Mr. Chairman. Thank you.

Mr. HUFFMAN. I thank Mr. Sablan.

Mr. Mikkelsen, on the Klamath question, my California colleague was inviting you to take a certain position on Klamath Dam removal, which is another one of those multi-year, multi-stakeholder collaborative success stories.

As you consider, and I am glad you did not take a position today, but as you consider responding to my colleague, I will remind you to also consider—and I am sure you know this—these are not even Bureau of Reclamation dams. These are dams owned by a private company that wants to get rid of them, that has raised funds from its ratepayers to do so. These projects are located in two states who have both gone on record supporting the removal of these dams, and raised hundreds of millions of dollars to move that process forward.

And taking a position, notwithstanding all those facts, and notwithstanding your tribal trust responsibilities downstream, which would also have to be part of the consideration, taking a position in opposition to this somehow would certainly flout any notion of states' rights, when both states want to do this, and certainly flout any notion of private property rights, when the owner of this private property wants to do that.

So, I am sure you will get to the right place on this straightforward question, but I wanted to put that on the record.

It has also been suggested, as it so often is, that Federal environmental laws are the reasons that projects like Sites and Temperance Flat have been studied forever, and yet have not yet been built. There is a lot more to it than that.

In the case of Sites, this project has been re-imagined and re-invested many times in recent years, in large part because the state funding necessary to move it forward has not been there. The recent passage of a state water bond requires public benefits for any public dollars to go to a project like this.

And they still have not decided. Is this a fish project? Is it a flood project? Is it a water project? As they continue to re-imagine this in order to try to qualify for the funding, it has not been the environmental studies holding it up, it has been dollars.

The same could be said of Temperance Flat, which was considered decades ago and rejected long before there was even a NEPA, and continues to be rejected. It is the Rasputin of dam projects. It has never made sense, it never will, and yet it somehow stays alive, at least here in this Committee.

I yield back.

Mr. LAMBORN. OK. I now recognize Representative Graves.

Mr. GRAVES. Thank you, Mr. Chairman. Mr. Chairman, I have a strong obligation to make sure that people's policy is consistent on this Committee, and so I want to take advantage here.

Mr. Gudes, I want to make sure I understand this. The Federal Government has taken action that is causing a detriment to ecological productivity and having an impact on access to recreational fisheries. Is that correct?

Mr. GUDES. Over years, yes.

Mr. GRAVES. Sure. And——

Mr. GUDES. And other benefits that I think Congressman LaMalfa put out. But relative to fisheries——

Mr. GRAVES. This is going—you see that? You see this is going——

Mr. GUDES. Relative to fisheries——

Mr. GRAVES. And you are concerned in your testimony that the Federal Government is trying to—excuse me, under the legislation—that the bill limits the access to accurate information to help inform appropriate decision. That is what your testimony says. Is that accurate?

Mr. GUDES. Yes.

Mr. GRAVES. I mean, whether it is crabs and you have one position, red snapper, another position, dams you have another position, red snapper, another position, it is fascinating.

Look, I just want to be helpful to you, that is all. I am trying——

Mr. HUFFMAN. Will the gentleman entertain a——

Mr. GRAVES. I am trying to be helpful. And policy consistency——

Mr. HUFFMAN. I think, on that same note, if the gentleman——

Mr. GRAVES. I would be happy to yield, absolutely.

Mr. HUFFMAN. It seems like we must have great consensus between you and me on supporting Klamath Dam removal, then, because it is strongly advocated by the states of California and Oregon, and it is certainly in keeping with the gentleman's position on red snapper.

Mr. GRAVES. Look, I want to be clear on this.

I am struggling, I have paddled the Klamath a number of times, and I enjoy it. I had some great kayaking trips on the Klamath. But I want to make sure I understand. On the one hand, there have been efforts by this side to remove money for a coastal restoration in Louisiana that has been caused by the Federal Government. But in this case you want the Federal Government to step in and remove structures and help restore the environment.

I am trying to help out with policy consistency. That is my biggest concern, sir. I just want to make sure that you are consistent with policy.

Mr. HUFFMAN. I think the gentleman is confused about restoration dollars and our position on them. We support all sorts of wetland restoration and mitigation. I bet we can work together on all kinds of good things.

Mr. GRAVES. When people over here proposed amendments to take our coastal restoration dollars away, you voted for it.

So, OK, I just want to——

Mr. HUFFMAN. Mr. Gudes, you are collateral——

Mr. GRAVES. I just want to make sure I understand what is going on. I am worried about policy consistency.

Mr. GUDES. I just want to point out we are consistent. We are for the fish.

Mr. GRAVES. You are consistent.

Mr. GUDES. And relative——

Mr. GRAVES. You are consistent. That is right, Mr. Gudes, thank you.

Mr. GUDES. And relative to coastal Louisiana, our members not only support restoration, they actually fund it, as you know, through the excise taxes.

Mr. GRAVES. I do. And you have been consistent in policy, and I appreciate that very much. It has been great.

With that, I am actually going to yield back. I am done.

Mr. LAMBORN. I want to thank the witnesses for their valuable testimony. This has been an interesting, educational, and important hearing. Thank you for coming.

Mr. LAMALFA. Do we have another round?

Mr. GRAVES. If I can yield my——

Mr. LAMBORN. No, but I think if you can catch them, they may be able to stay here individually.

Mr. LAMALFA. It is funnier on record.

[Laughter.]

Mr. LAMBORN. Members of the Subcommittee may have—in fact, I think do have—additional questions for you, and I would ask that if they give you those in writing, that you respond in writing.

Under Committee Rule 3(o), members of the Committee must submit questions to the Clerk within 3 business days, and we will hold the hearing record open for 10 days for those responses.

If there is no further business, without objection the Subcommittee stands adjourned.

[Whereupon, at 3:41 p.m., the Subcommittee was adjourned.]

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

Rep. Napolitano Submission

—Letter addressed to Chairman Lamborn and Ranking Member Huffman from Patricia Sinicropi, Executive Director, WateReuse Association commenting on H.R. 4419, dated December 8, 2017.

○